WHY REPORTERS ROOTED FOR REAGAN

The Washington Monthly

JANUARY 1981/$2

2 Big Reasons Why the Government's Getting Worse

Affirmative Action: Fairness Run Amok

Nobody's Minding the Store: The 10-to-3 Ethic

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HOW TO FOIL A CAR THIEF

A FEW SIMPLE PRECAUTIONS CAN REDUCE THE RISK OF THEFT

The numbers are staggering. Every 37 seconds or so a car is stolen somewhere in the U.S. That adds up to almost 800,000 cars a year. But you can do something to keep your car from becoming a statistic. Start by avoiding these four common parking mistakes.

The "Just for a Minute" Syndrome. When you leave your car, even if it's "just for a minute," lock all of the doors and take your keys. In fact, about one of every five cars stolen was left unattended with keys in the ignition. Keep driver's license and vehicle registration cards in your wallet or purse. If a car thief finds these documents in the vehicle's glove box, he can impersonate you if stopped by the police.

The Isolated Location. It's safest to park in a locked garage, but if you can't, don't leave your car in a dark, out-of-the-way spot. Instead, try to park on a busy, well-lighted street. Thieves shy away from tampering with a car if there's a high risk of being spotted.

The Display Case. There's nothing more inviting to a thief than expensive items lying in your car, in plain sight. If you lock these items in the trunk or glove box, there's less incentive for a thief to break in. Also, when you park in a commercial lot or garage, be cautious. Lock your valuables in the trunk, and leave only the ignition key with the attendant.

The Space at the End of the Block. In recent years, professional car-theft operations have become an increasing problem. Unlike amateurs, the professionals are not easily deterred. Cars parked at the end of a block are easy targets for the professional thief with a tow truck. So, it's best to park in the middle of the block. Be sure to turn your steering wheel sharply to one side or the other. That will lock the steering column and prevent the car from being towed from the rear.

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Letters

Perry Mason Fallacy

You were right on the mark with your comment ["Tilting at Windmills," December] that White House reporters and White House staff members should stop pretending that nasty questions produce either adequate news coverage or adequate public policy decisions.

RON NESSEN
Washington, D.C.

Colby en Francais

Mr. Joseph Nocera certainly made a detailed comparison of the French and English editions of my book, *Honorable Men* ["Le Couvert Blown," November]. Most of the variation he spotted, however, are minor editorial changes made at the American and French publishing houses, with which the CIA had no connection and which did not go beyond what CIA had reviewed.

Contrary to Mr. Nocera's assertion, I provided CIA with the final typed copy of the text, not the galley proof. The agency asked that I make only two substantial changes, those affecting the Glomar Explorer and the mention of my former chief's name. As I indicated in the book I did not really agree with either of these but certainly accepted CIA's right under my contract to make this decision, even if mistaken, as the purpose was not censorship but protection of classified information. I still regret that an unintentional communication failure caused the French edition to be issued without the excisions CIA requested. Most of the other variations would in that case still have appeared to Mr. Nocera's sharp comparison, but he would not have come to the erroneous explanation that he has deduced. Mr. Nocera could have learned this if he had communicated with me in the course of his research.

Only in one respect do I agree with Mr. Nocera, that we would be better off if we had criminal sanctions for the revelation of sensitive intelligence information by ex-officers. In testimony to the Congress I indicated that this is so important that I would be willing to surrender the kind of prior review required by the secrecy agreements in order to achieve it. In the absence of such legislation, however, it is only reasonable that CIA exert such control as it can through the secrecy agreement, as has been affirmed by the courts.

WILLIAM E. COLBY
New York, New York

The author replies:

The "variations" referred to by Colby consist of omissions from the English text of *Honorable Men* concerning such items as the CIA's use of AID cover, the discovery of secret Warsaw Pact documents, the close relations between the CIA and the AFL-CIO, and Colby's disagreements with CIA officials Richard Helms and James Angleton. Maybe these deletions were, as he claims, "minor editorial changes," but there is such a dearth of detail in the book that it struck me as highly unlikely that Simon and Schuster, of its own volition, would have struck from the book the few decent details Colby provided. In addition, Colby's use of phrases in his letter like "substantial changes" and "*most* of the other changes" implies that the CIA did indeed require other changes—they just weren't, in Colby's view, "substantial." Of course, that was precisely the point I was trying to make—that the changes I found were so insubstantial that it seemed absurd the deletions had been made in the first place.

The other point I was trying to make—namely that the CIA's treatment of Colby points up glaringly the double standard the agency uses in enforcing its secrecy agreement—comes through loud and clear in Colby's letter. It's nice to see that Colby now "regrets" his "failure," but that hardly changes the fact that it occurred, and that for basically the same "failure" Frank Snepp was punished rather severely. For Colby, it was just a little slip-up, quickly forgotten as he got on with his life. Frank Snepp cannot say the same.

Making it Confusing

Thanks to *The Washington Monthly* and James Lyons for your attention to the "repackaging" of government information in newsletters ["Earn Big Money in Your Spare Time," November].

As you indicated, anyone can subscribe to *The Federal Register* and *The Congressional Record*. In addition, they, along with thousands of other federal publications, are available to the public in more than 1,000 depository libraries throughout the country. The catch is that the government has never been willing to provide adequate indexing of its publications. My impression is that most government employees either have no concept of the value of indexes or any systematic organization of information. (How often have I been told, "But you can call us if you have a question.") or are unwilling, perhaps unconsciously, to give up the power of controlling their information. Whatever the reason, the result is the proliferation of commercially published newsletters and indexes that only large corporations and their lobbyists can afford.

CLARE BECK
Ypsilanti, Michigan

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Letters

(continued)

The Energy Crisis at GAO

Better late than never, I want to communicate my praise for two items you published this year: Thomas N. Bethell's article on the U.S. General Accounting Office (GAO) ["The Best Job in Washington," April] and the introduction to several articles on the "energy crisis" [October]. I am in a good position to judge their merit, having been for six years an investigator of energy matters for the GAO Energy and Minerals Division.

The picture Mr. Bethell paints of GAO as I have known it is precisely accurate and his perceptions of the psychology that operates here could not be more on target. And your editors saw more truth about energy, and put it better in a page and a half, than all the "analyses," public and private, put together.

As he recognized, the crisis atmosphere around energy is based on a false premise. Scarcity and high prices are not inevitable, but it suits a lot of people to foster the illusion that they are. Many of those people are misled; others are interested. The motives of "Big Oil" are obvious. The motives of many energy bureaucrats are less obvious, but also less forgivable. For them the illusion provides security at the public trough and a way to avoid responsibility for failure.

GAO should be a scourge to such people. But readers of Mr. Bethell's article will correctly expect otherwise. GAO treats energy, as it does other issues, with a blandness it probably really believes is "professional," and shies from expressing dissenting views however strongly the facts may support them.

KIRBY BRANT
Watertown, Wisconsin

Racking Reaction

Hooray for Helen Rogan and her article "Racking with Missey" [November]! She has truly captured the essence of the Southern Women's College (SWC). As I read her article I felt for a moment that I was reading a story about my own students. Wesleyan College, located in Macon, Ga. ("the first college in the world chartered to grant degrees to women" as the catalog says) is different, I am convinced, from Mary Baldwin only by degree.

We too have a social get-together for Darling Daddy and Dimpled Daughter. It is called Father-Daughter Weekend and, while not restricted to the junior class only, it is complete with banquet, dance, and other activities which seem to be designed to 1) lessen the emotional impact of daddy being separated from the apple of his eye and 2) foster greater dependency needs so that daughter will be filled with genuine remorse when daddy threatens to take away her BMW because her grades were so lousy.

MICHAEL N. MCGOUGH
Macon, Georgia

As a 1971 graduate of Mary Baldwin, I found Helen Rogan's article embarrassing in its unflinchingly critical evaluation of this school's student life because there was a great deal in her argument that was true: there were and are, I am sure, a number of students at this (and, I hasten to add, *other*) schools for whom four years are devoted to parties, clothes, makeup and other adornments. But for those students who have a sense of academic seriousness, Mary Baldwin has had a good deal to offer. I had for professors men and women who were not only intelligent and dedicated but who were also extremely sensitive to my not-always-easy development. And I received instruction from them in the sorts of intimate classes and seminars that are the great strengths of a small, liberal arts college. The result is that I have felt prepared to perform competitively as both a graduate student and an employee.

Ms. Rogan's assumption that because Mary Baldwin is a traditional Southern women's college, it should appear as "an anachronistic cloister to today's supposed generation of cynical hedonists" is faulty. Why should these women be more serious-minded, less cynical, or less hedonistic than, say, the students at the University of California at Berkeley? My husband and I have lived in Berkeley for the past 8 years, where he has taught several classes of undergraduates. What do you find typical for the Berkeley student in 1980? Grade inflation is high, student political involvement is low, and fraternities and sororities have made a dramatic comeback since the late 60s. There may be more serious-mindedness at Berkeley, but all too often it takes the form of single-minded and even ruthless competition to satisfy entrance requirements for graduate and professional schools.

It also seems to me that Rogan's article has the advantage of hindsight. Are there any of us who wouldn't have flinched just a little during our college years to have our comments played back by a friendly

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reporter? Don't you have a few bones rattling in the closet of your own undergraduate experience, Ms. Rogan?

LEE W. BOWMAN
Berkeley, California

Letter of the Month

Your magazine recently published a "Memo of the Month" written by one of my agency's top managers. It has caused a real uproar.

I did *not* send it to you, but I subscribe to your magazine, and I am just paranoid enough to believe that agency investigators might check your subscription list somehow and cause trouble for employees who subscribe. Therefore I ask that you cancel my subscription and delete my name immediately. I'll buy my issue on the newsstand for a while! Believe me, that memo caused a stir among the supergrades and they might do anything!

Name withheld by request.

Not Troubled

Charles Peters writes ["Tilting at Windmills," November] that if he were a Jew, he would be "troubled" by the way the presidential candidates "groveled" at the B'nai B'rith convention. "This," he says, "is the kind of thing that makes the Arabs desperate—and violent." In other words, it's only natural for the Arabs (or anyone else, presumably) to conclude that the Jews control or dominate American politics; and it's only the Arabs' frustration at this state of affairs that drives them to violence.

If Mr. Peters really were a Jew, he might be more troubled by how easily this kind of tripe gets picked up and passed along by respectable publications. Since he is not a Jew, he shouldn't instruct the Jews on how to worry. We've had plenty of practice at it.

JEFFREY KRAMER
Brooklyn, N.Y.

Loose Lips Sink Ships

Your editorial about the Navy's investigation of seven women accused of lesbianism ["Tilting at Windmills," October] was very interesting and offered what appears to be a simple resolution. However, the reason, or supposed reason, for barring homosexuals from the armed forces is not due to the underlying fear that homosexuals will molest the straights, but for fear of compromise of secret materials. If a homosexual comes into the military, does not want his/her weakness known, and on top of it all has access to materials detrimental to our national defense, he/she could be blackmailed into revealing these secrets to the enemy.

This scenario was conjured up by the same men who gave us the Iran hostage rescue attempt.

MICHAEL J. WALSH
New York, New York

The Conflict of Interest Craze

It sure doesn't look so good having James Fallows who makes $50,000 plus as the *Atlantic Monthly* Washington editor writing a review of the Walter Lippmann book published by Atlantic Monthly Press. He liked it. As far as I know it is a fine book, but is he really in a position to say it's terrible?

BLAKE FLEETWOOD
New York, New York

The editor replies:

The official *Washington Monthly* doctrine on conflicts of interest was announced most recently in "The Conflict of Interest Craze," by Michael Kinsley, in our November 1978 issue. Kinsley argued that "Conflict of interest has evolved into a monstrous no-no, a subject of obsessive concern and elaborate rules, but one that benefits from little common-sense thinking. The spectre of 'conflict of interest' arises whenever an individual or an institution is involved with more than one goal or person or institution at the same time. This happens to cover a great deal of modern life. Most of life may well be sinful, but surely not because it involves so many 'conflicts of interest.' ... Is it a conflict of interest for a mother to have more than one child? Jack Anderson probably could make it seem so."

We believe honorable people are capable of balancing two goals, or two loyalties, in an honorable fashion. In this case Fallows owed loyalties to *The Atlantic* (which pays his salary, though not as much salary as you say) and to us (to give his true opinion of the book). If we had any doubts about whether Fallows would have panned Ronald Steel's book if he felt it deserved it, we wouldn't have assigned it to him. We were a bit troubled when we heard he'd acquired the movie rights . . . .

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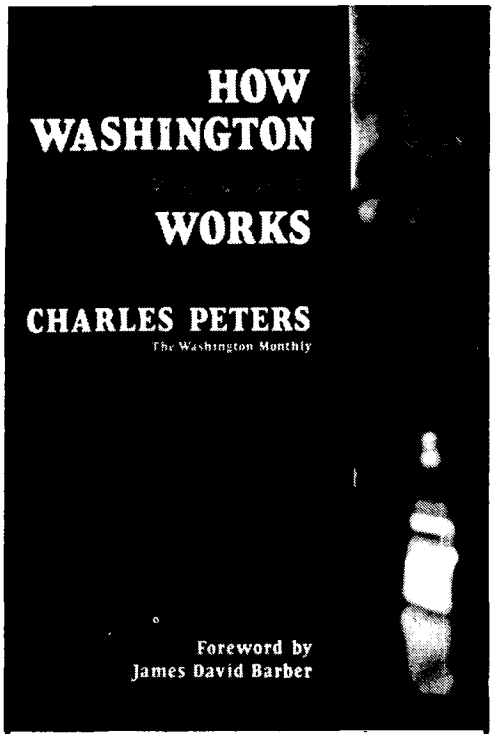

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—John Leonard in *The New York Times*

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Tilting at windmills

Why do the rich live so well? Because, as I try to point out in this column, the rest of us subsidize them in so many ways. Take private clubs, for example. When you drive through the suburbs, you may pass a lovely golf course and glimpse, behind a discreet hedge, tennis courts and a swimming pool. Or when you're walking downtown, you may notice a doorman tipping his hat and opening a door to an elegant but unmarked building, and you may get a glimpse of well-dressed men dining inside. Both are probably private clubs, and if they are "non-profit," as most are, you are probably helping to pay for them. Usually they are exempt from property taxes, so you have to help make up what they would otherwise pay. And their members are not content with only that method of taking you to the cleaners. They also like to deduct their club dues from their income taxes as a "business expense." Again, you have to pay more so that they can pay less. . . . But consider what you could do with your money if you didn't pay those higher taxes. You could put it in savings bonds or a bank account, where the lower interest paid the average man makes it possible for the government and the banks to pay more to the rich. . . .

One reason the Japanese consistently beat us in the game of international trade is that their businessmen learn the language of the country with which they are dealing. When they go to France, they speak French. When they come to America, they speak English. Our businessmen, on the other hand, adhere to the basic American principle of communication with foreigners and simply yell a little louder. . . . Another secret to the success of the Japanese is that they are penetrating our culture at the Junior Chamber of Commerce level. When a congressman starts thinking about limiting Japanese car imports, he's going to have to take into account a lot of letters from enthusiastic Datsun and Toyota dealers in his district. . . .

This is the season for advice to the new president, and here is mine:

Point number one: Don't be defensive. At least during the first year or so of your administration you can't fairly be held responsible for most of the things that go wrong. The bulk of them will have their roots in prior administrations. So you can look objectively at what is wrong with the government without feeling that if you admit something's wrong you are admitting some failing in yourself. The main problem with government administrators generally is their tendency to cover up what's wrong in their departments, because they fear it will reflect on them. You don't have to feel that way. Instead of fearing the powers of the press and the Congress, you can invite the press and the Congress to help you find out what's wrong, to help you figure out what needs doing.

My second piece of advice is to take steps to overcome your insulation. For years now you have led the insulated life of a rich Californian. Now you are coming to the most insulated city in the world. Northwest Washington and suburban Montgomery and Fairfax counties, where you and the people in your administration will all live, make up one elegant country club. It's Rodeo Drive all over again, with fancy shops and scores of expensive restaurants and hundreds of new homes selling for $300,000 to $500,000. You can drive to work without seeing a single

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tenement, much less a slum.

In that insulated world it would be very easy for you to cling to your Norman Rockwell memories of what life in the rest of America is like. That was a nice view: it's easy to understand why you are so fond of it. Those old *Saturday Evening Post* covers represented a world of simple but good values—family, community, church, and country, united by warm affection, gentle humor, and an engaging absence of pretension of any kind. There was and still is some truth in this picture of America. But it leaves a lot out—like the race problem, the mud and blood of war, and the stairwells reeking of the urine smell of poverty. You can, in short, easily become a prisoner of Northwest Washington and the protected comforts of Air Force One and the White House and Camp David. The way to avoid it is through a determined effort to reach out, not only physically, by visiting the coal mines, the factories and the slums, but by seeking ideas and information from the people that your life has kept you away from and that your life in Washington will continue to keep you away from.

There is another kind of prisoner you can become in Washington, and that is a prisoner of events. This is the way most recent American presidents have failed. They have become victims of agendas of others, of events presented by the news ticker, of the bills to sign, of the ready-to-issue proclamations that the Congress and the bureaucracy always have prepared. The most conspicuous example is Carter with the hostages in Iran. He let the final year of his presidency be dominated by concern for but 54 of his fellow Americans. It was as if a general were to try to win a war while giving most of his attention to one beleaguered platoon. The only way to avoid this fate is for a president to have an agenda of his own, of things he wants to do for his country regardless of events. If the president says no, I'm not going to be governed by the things that come up—I'll do my best with them, but I've got these other things that I think are just as important and these are what I'm going to concentrate on today—he will not only avoid the fate of Carter and many of his predecessors, but he just might get something done. . . .

The FAA may not be doing much about getting a workable collision avoidance system installed in our airplanes, but you can't say it's not trying to help. Recently it issued advisory circular number AC9-48B on "Pilots' Role in Collision Avoidance." The pamphlet contains such advice as, "Pilots should look out in all directions, periodically scan the entire visual field," and "the probability of spotting a potential collision threat increases with the time spent looking outside." There is also a practical tip for passengers, as to when they should, depending on their temperaments, either scream or start praying. That moment, it seems, is when "the other aircraft shows no lateral or vertical motion, but is increasing in size." . . .

Last year we reported on how the Washington YMCA had become an elitist club, almost losing sight of its mission to aid poor youth. Now I find the same thing is happening in my other hometown, Charleston, West Virginia, where the Y has purchased the Charleston Racquet Club. This facility is just what it sounds like—located in an exclusive residential district, and appealing in its facilities to tennis and squash players. Off with their tax exemptions. That's my solution. . . .

I knew it would happen, and it did. Three days after the murder of my friend Dr. Michael Halberstam by a Washington burglar, *The Washington Post* carried an editorial calling for gun control. Gun *abolition*, except for police and military use, might do some good, but gun control, meaning licensing, is a meaningless gesture. It's a pipedream to think that licensing will keep criminals from getting guns. Does auto licensing keep crooks from stealing cars? The *Post*'s concern shoud have been that the criminal involved has been repeatedly convicted and should have been put in a secure place for at least 30 years if not life. Instead, the New York authorities had put him in a medium-security "correctional facility" from which he had escaped. Let's face it: except with first offenders, correction or rehabilitation is a joke. No one was or is going to change this man. But the fiction of correction allowed him to be put into a facility from which he could escape. . . .

Another item in the same day's *Post* was a long story

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complaining about overcrowding in Maryland prisons. I don't think prisons should be inhumane places where the convicted are tortured and beaten, but reform of prison conditions is something like 998th on my list of social priorities, a long way below helping the sick and the poor who never did anything to anybody. And we should never make prisons comfortable enough so that potential criminals would not dread going to them.

In other words, I suggest we forget about having prisons "correct" or rehabilitate, and think of them as having two functions. One is to deter crime, which means they can't be too nice. The other is simply to protect society from criminals, meaning that prisons should be as escape-proof as possible and that hardened criminals—the violent, the second and third offenders—should be kept in them for a long time. Young, non-violent offenders, for whom prisons could provide an education in crime, should not be sent to prison at all, but placed on probation and given another chance. . . .

There are some hopeful signs that the left is at last waking up to the problem of violent crime. Its most widely read magazine, *Mother Jones*, recently ran an article called "Kicking the Knee-Jerk Habit," by its editor, Adam Hochschild, which listed some left cliches, including, "Crime in the streets is not the problem. The real problem is (check one or more): racists, police, unemployment, horrible prison conditions." Hochschild comments, "Another case of good insights gone awry. However much crime has its causes, most Americans are still deeply afraid of it. We all fear bodily violence. The right has pandered to that fear but the left has largely ignored it, focusing more on prison conditions than on peoples' desire for safety." . . .

Recently, after dining on a train, I got the check and it read, "Food, $5.95, Bar, $8.50." I was embarrassed, and then I thought a lot of other people would be embarrassed too if they and their spouses and the employers to whom they submitted their expense records would see the amount of each check that went for booze. It seems to me that Amtrak has discovered a way of controlling the abuse of both alcohol and expense accounts. The IRS should immediately issue a regulation requiring all credit card receipts to list bar items on a separate line just as Amtrak does. . . .

Remember that federal official in Kansas City who was found guilty of running a private business on government time, but had his conviction overturned and got his job back because the judge said he had "lacked criminal intent" when he defrauded the government? Here, from the *Kansas City Times*, is an update on the story. It seems that the official was making $46,000 a year from the government while he was also operating his own business. And there was an interesting comment on the extent of his activities to earn that salary from the chief lawyer for the Department of Health and Human Services (formerly HEW) in Kansas City. In a letter to the Department of Justice, the lawyer recommended that the case be dismissed, because if it came to trial, the official's defense—that he and his secretary had nothing to do for long periods of time at HEW and that working on private business was better than not working at all—would be, according to the lawyer, "a persuasive one."...

The amount of purposeful activity that goes on in international agencies is, if anything, even less than at American government offices like the HHS office in Kansas City. A recent example is the case of Honore M'Biye, a 39-year-old man from Zaire who walked into the Washington offices of the World Bank recently, said he was a United Nations consultant, and was given a vacant office on the eleventh floor of the World Bank building. Bank employees said that M'Biye did nothing—that he arrived at 10 a.m., read books, made telephone calls, and took leisurely two-hour lunches. But it was five months, according to a story by Stephanie Mansfield of *The Washington Post*, before they even became suspicious that something was wrong. M'Biye, it turned out, was not an employee of any organization and was simply using the office as a front from which he called up various banks and got credit for his purchase of, among other things, a BMW automobile. . . . But I am grateful, at least, that he was not paid $46,000 while he was doing nothing. . . .

And if you think that, just maybe, the Kansas City

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HEW official shouldn't have gotten his job back, here's another one for you: According to Ed Haring of the *San Jose News*, "A Sunnyvale School District Teacher will get his job back in September in the wake of a court ruling that his phoning a false bomb threat to the school is not grounds for firing." Instead, the school district may end up paying the teacher $100,000 for back wages and attorney's fees. . . .

Remember how the liberals finally got the wicked oil depletion allowance killed in the early '70s? There was a special exemption for "small producers," the Ma and Pa oil outfits. "Small" was defined as up to 1,000 barrels a day. That much oil is worth $13 million a year. And, there's a way around even this generous limit. You set up your oil company as a "partnership," and each "partner" (read: wealthy investor) counts his share of the oil as a separate Ma and Pa operation. This is how rich doctors and actors who buy $100,000 oil and gas shelters get the depreciation allowance. . . .

From what groups does the CIA recruit its employees? In recent years one group (according to a foreign service informant of ours) has been State Department rejects. The agency, from its far-flung intelligence network, acquires the names of people who didn't pass the foreign service exam. It then starts calling them and asking if they would like a life almost exactly like that of a real live State Department officer. The agency promises lots of traveling, partying, frequent exciting assignments, even occasional "State Department" work. . . .

Although it is just an excerpt and therefore does not qualify as a Memo of the Month, one of the more memorable examples of bureaucratese comes from these two sentences from the 1981 Budget Revision of the Department of Energy: "As a compensating measure, the focus of shorter- and longer-term analyses would be extended to include the mid-term. Although this approach will in some measure reduce the comprehensive nature of the intended analysis, the compromise will provide adequate data for meaningful progress toward integrative policy development." We can all sleep better tonight knowing that the long- and short-term analysis has been extended to include the mid-term. . . .

Senator William Armstrong of Colorado sold his radio station to Westinghouse for $7 million. Leaving aside for the moment the propriety of a senator having a federally conferred license to operate a radio station, why should he be able to sell it for anything? Why should a license conferred by the public be for sale by the licensee? It should be for sale only by the public, or it should be granted by the public by some means other than sale. My favorite way is by election, as suggested by my friend Robert M. Kaus. Let the people in each city vote for who should have these licenses—and let them vote every four or five years so we'll keep the station operators' feet to the fire in terms of delivering service to the public. . . . There is a vast conspiracy of silence about broadcast licensing that confirms the worst suspicions of the most idiotic radical. What happens is that powerful politicians—Lyndon Johnson had his television station and Senator Armstrong had his radio station—are joined with the owners of the great media like *The Washington Post*, *Newsweek*, *The New York Times*, *Time* magazine, all of whom own television stations, and all of whom have little

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interest in making the nature of their lucrative racket dramatically clear to the public. . . .

Another powerful lobby may be somewhat closer to its come-uppance. The dairy lobby, by spending immense sums in donations to congressmen, has maintained a price support program that has succeeded in constantly raising dairy prices in the face of declining demand for milk products, thus reversing every known law of economics. But it's finally coming under attack, not just from toothless public interest groups but from powerful companies like Pepsico. Pepsico may not be disturbed by the ethical problems raised by the dairy lobby's tactics, but, acording to Richard L. Hudson of *The Wall Street Journal*, it is aroused by the discovery that its Pizza Hut division will have to pay an additional $3.6 million for cheese just because of the recent increase in price supports for dairy products. . . .

Washington, as we have already pointed out, is a city insulated from most of the problems that confront the rest of mankind. Recently, however, the District of Columbia government embarked on a program that has sparked the kind of emotion here that other people feel when their children are going hungry. How did they do it? By towing illegally parked cars to an impoundment center. They can be redeemed only by payment of a $50 fine and highly inconvenient trips to two separate locations (first you must pay the fine, then you must go to another place, about 2 miles away, to pick up the car.) I run into one friend after another who, white-faced with rage, tells me of the injustice he suffered when the District towed his car—after all, he'd been parked overtime for only half an hour, or the street wasn't that busy anyway, or the cop was obviously just trying to make his quota for the day. If all the mental and emotional energy that goes into these eloquent indictments of the District's towing program could just be concentrated on important public issues, we could solve half the nation's problems in the next couple of weeks. To me the towing program is a delight (except for the one time my car got towed), and Richard Cohen, a columnist for *The Washington Post*, has pinpointed the reason: it is those two trips one must make to get the car. They are *very* inconvenient. So the rich, who ordinarily dismiss the inconvenience of offenses like this because all it requires is paying a small fine, truly have to suffer like the rest of us. And I like that. . . .

The Federal Reserve Board seems dedicated to the proposition that the people of this country deserve a recession every year. Its faith—that an inflation which during the '70s had its roots in higher energy costs could be controlled by higher interest rates—has been proved wrong again and again. There are, however, some inflationary, non-productive uses of credit that could and should be controlled in the interest of moderating inflation. But the Fed makes no distinction between the different uses of credit. The use of credit, for instance, to build new plants, to modernize production facilities, build new houses—all these are desperately needed to make our economy grow, and should not be discouraged. On the other hand, there are, as Henry Reuss points out, the uses of credit to finance gambling on commodities, corporate takeovers, trading in existing housing, and similar activities that simply bid up the price of existing assets without creating a single new tool of production. That's the kind of use of credit that the Federal Reserve Board should restrict. . . .

If I were a paranoid Carter supporter I would look for Reagan's Donald Segretti. Who was spreading all those rumors during October that the hostages were about to be released? From checking with sources at the White House, I can't find anyone who was saying that sort of thing. Everybody in the administration was terribly worried about raising people's hopes, because they realized the political consequences of raised hopes and dashed expectations. They knew what such dashed expectations had done to Hubert Humphrey in the final days of the 1968 campaign, when Mme. Chennault torpedoed the peace talks that had seemed imminent in order to help her friend Richard Nixon. . . .

Generally I believe in forgiving the sins of the young. If I had read that

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Ronald Reagan had been caught shoplifting during his first years in Hollywood, it would not bother me too much. But when I read that his first wedding reception was given by Louella Parsons, *that* I could not forgive. For those too young to remember, Louella Parsons was a Hollywood gossip columnist who was vapid, vindictive, and sanctimonious. If Reagan could bring himself to accept her as a friend in order to advance his career, one wonders about the other people whose support he has sought. . . .

Something else that worries me about Reagan. When you've been in show business for 40 years, you've either done it with four Chinese girls and two gay midgets or you have two very close friends who have. While I grant that the latter is probably the case with Reagan, I still wonder how he can align himself with the Moral Majority. How can he be a friend of Frank Sinatra and of the Reverend Jerry Falwell? I suspect the answer is a double standard, that what is permissible for one's rich friends is not permissible for the people. Certainly that was the moral and philosophical plateau on which Louella Parsons operated; she would condone the same behavior by her rich patron, William Randolph Hearst, for which she would savage some young starlet. . . .

Speaking of morality and of the kind of friends who have advanced Ronald Reagan's career, where was the press when Reagan, as one of the first acts on his first post-election visit to Washington, called to pay his respects to Frank Fitzsimmons at the Teamsters' Union headquarters here in Washington? Do you think this will signal to the employees of the Labor and Justice Departments that they are to proceed with vigor in their investigation of the Teamsters Union pension fund? Judith Miller of *The New York Times* reported recently that they need some kind of encouragement. Her report began, "The Labor Department's much-heralded investigation of the International Brotherhood of Teamsters Union's pension fund has been so poorly conducted that criminal cases have not been pursued." If you've forgotten the details on the high Christian moral tone of the Teamsters, let me quote from James Cook, writing in a recent issue of *Forbes* magazine:

"Take the case of the Teamsters Union Central State Pension Fund. For nearly a quarter of a century, this nearly $2.2-billion honey-pot has been the scandal of U.S. trade unionism. . . . A large proportion of its funds, one estimate puts it close to half, went to known members of the mob, of persons associated with it, for projects that seemed little more than an excuse to transfer funds tax-free. In the process the managers of the fund lent money at sometimes shockingly low rates of interest to unfit persons for questionable purposes . . . ."

I believe the only thing I have in common with Richard Nixon is a deep admiration for George Patton, who seems to me to be one of the truly great field generals in American history. According to a forthcoming book, *The Last Days of Patton*, by Ladislas Farrago, Nixon may have had other reasons for admiring Patton that I do not share. At the end of the war in Europe, it seems that Patton not only moved to put Nazis in the civilian administration of the American zone, but he also tried to maintain German military units at full strength so they could quickly be deployed against the Russians in the event the American leadership was wise enough to see that we should strike to the east. From Patton's encounters with newspapermen came this observation: "There's a very apparent Semitic influence in the press. They are trying to do two things. First, implement communism, and second, see that all businessmen of German ancestry and non-Jewish antecedents are thrown out of their jobs.". . .

Everybody out there in psycho land must be pleased with the coverage the media gave John Lennon's murderer. His killer is being treated like the most fascinating human interest story since Greta Garbo, or at least Son of Sam. His every utterance has been given headline play by the press, and the terrible traumas of his life must by now be known to every schoolchild. The message is clear: If you want to be famous for 15 minutes, the media is happy to oblige, as long as you kill somebody interesting.

—*Charles Peters*

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ROOTING FOR REAGAN

by Jonathan Alter

One morning in the first week of October, several of Jimmy Carter's top political advisors picked up their telephones and asked to be connected to prominent reporters and editors around Washington. As each waited for the voice at the other end, rage—genuine or calculated for the occasion—boiled toward the surface. The Carter staffers were fed up with the "free ride" they thought Ronald Reagan was getting from the press corps covering his campaign.

None of the belly-aching accomplished much. In fact, the landslide a month later probably wouldn't have been reversed had the Carter people themselves been assigned to cover Reagan for the newpapers, networks and newsmagazines. A press plane full of welfare chiselers might not have turned the tide. And even assuming the contest had been as close as everyone expected, the charge was still a little exaggerated. Reagan did not exactly get a "free ride."

It was more like half-fare. For a candidate whose career and views raised so many questions, Reagan emerged with his hair in place and teeth gleaming for the camera. In that sense, the Carter people have a point. In a couple of years, reporters might start wondering what quantities of Librium somebody slipped them during the fall of 1980.

So how did it happen? There's no single answer, of course. Reagan's charm and affability obviously had something to do with it, as well as the fact that despite his repetitious "Speech" he had not yet bored the press in the way Carter did.

But there's something else that requires consideration. Reporters who cover winning presidential candidates often end up with better jobs for themselves after the election. Many print reporters who followed Carter in 1976—James Wooten of *The New York Times*, Curtis Wilkie of *The Boston Globe*, and Eleanor Randolph, then of *The Chicago Tribune*, to name a few—all went on to cover the White House. Likewise with television: in 1976 Ed Bradley, Judy Woodruff, and Sam Donaldson covered Carter for their networks, and went on to be White House correspondents.

Did the example of their success make this year's crop of campaign reporters tempted—consciously or unconsciously—to tilt their coverage in hopes their candidate would win, and they would advance with him? When you study the work of any individual reporter, you don't find clear favoritism. You can be subconsciously

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When it's time to write that big Sunday piece, when Meet the Press *is lining up panelists, who gets the nod? The reporter who covered the winner, or the loser?*

rooting for your man to win whether you're writing tough stories or puff pieces. In fact, some reporters promoted along with Carter in 1976 had often been critical—Donaldson being the prime example. Yet when you look at the overall pattern of 1980 presidential coverage, you can't help suspecting that the generally hungrier, not-quite-arrived reporters on the challenger's plane were softer than the already-arrived reporters covering the incumbent. Let's look at the tenor of 1980 coverage to see if that's true. If it is, it could say a lot about what to expect from the press in 1984.

The softness of the Reagan coverage isn't so obvious at first glance. Reagan's bloopers, for instance, were reported on. Who could ignore his comments about air pollution being "substantially controlled" when his plane was being detoured around smog-bound Los Angeles? But the Reagan gaffes rarely reverberated through the press for more than a day or two, far shorter than the furor caused, for instance, by Gerald Ford's inadvertent (and understandable) comment about Poland during the 1976 debate.

Part of that laxity resulted from Reagan's strange chemistry with a surprisingly indulgent American public; his foot-in-mouth disease was seen as almost endearing because it was so reassuringly human and homey. More important, Reagan's blunders in the fall campaign were always overshadowed by the issue of Carter's "meanness." When Reagan made the mistake of charging that Carter opened his campaign in the home of the Ku Klux Klan, it hurt him only until Carter retaliated by indirectly calling him a racist during a speech to a black audience in Atlanta. Shortly thereafter Carter got his come-uppance during a televised press conference, when four questions focused on his "mean" campaign tactics.

To a point the gripe was legitimate; Carter was trading on his reputation as a Christian gentleman in order to get in a little head-slapping at the line of scrimmage. At least two of the reporters who asked "meanness" questions now admit they had been waiting for just such an opportunity to show the public a side of the President the press had known about for a long time.

But the blood-letting at that September press conference did not satisfy the press corps' appetite for chewing on the "meanness" issues. Even Sam Donaldson of ABC News, the toughest network correspondent on the air and despised by most Carter aides, concedes the sensitivity to Carter's rhetoric went too far as the fall progressed. "At one point I told them that if we're going to say he's mean just because he's criticizing his opponent, how the hell can he campaign?" Coming from one of the reporters who raised the "meanness" issue in the first place, that is significant.

The Mean-To Lean-To

Carter made a mistake in unloading his warmonger charge in person. He should have let his surrogates and advertising take care of it as Lyndon Johnson did in 1964. Instead he relied on a kind of innuendo reporters found useful in their effort to alert the public to what they considered to be his mean streak.

But if the President was going to take his lumps for that it was only fair that Reagan feel the heat from the press for some of his charges, even if they were made with a disarming aw-shucks grin. When Carter said in Chicago on October 6th that Reagan would polarize the country ("rural from urban; Christian from Jew," etc.), it created a storm of protest from reporters, not to mention editorialists, who considered it a personal attack that went beyond the permissible bounds of campaign rhetoric. Yet that same week, Reagan accused Carter of being a participant in a "serious cover-up" of an unauthorized disclosure of national security information. He suggested the President was the "greatest deceiver ever to occupy the White House," which was not only an absurd statement, but newsworthy too. Does Reagan believe Carter is more guilty of deception than Nixon? That might have been an important question to ask.

There is little evidence anyone did. These comments were buried in the bottom of stories or not reported at all, suggesting that the press considered it somehow worse to call an opponent divisive than to label him a liar.

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Reagan's personal attacks were seen as simply conventional campaign rhetoric. On the last weekend before the election, he unleashed a brutal barrage of insults, including one which suggested the reason Carter was "so obsessed with poverty is because he never had any as a child." *The New York Times* ran the comment in the 11th paragraph of an inside story. On page one that Sunday was a report about a middle-level Justice Department bureaucrat who wrote a dubious report charging Carter and Attorney General Civiletti with slowness in the trumped-up Billy Carter case. *The Washington Post*, meanwhile, was busy running a four-part series detailing Administration miscues on the hostage issue.

Of the major papers, only *The Wall Street Journal* really went after Reagan during the last week of the campaign. The October 28th account of Richard Allen's questionable lobbying activities set up a situation in which the press seemed only too happy to be fooled by the Reagan people. Allen resigned from the campaign with no promise he wouldn't serve as national security advisor in a new administration. The press, knowing full well he would return to the fold if Reagan won, felt (wrongly) that it could not pursue the story in the remaining days before November 4th.

Defenders of the Reagan press coverage like to point out that the candidate did not glide through the fall campaign entirely unharmed. They note that the so-called "war and peace" issue hurt Reagan enough to force him to change his mind and debate Carter one-on-one. But that view ignores the crucial question of *who* raised the issue. The answer is, Carter did—with very little help from the press (a piece by Martin Schram in the October 19 *Washington Post*, "War and Peace: An Issue Reagan Created," is one of only a few exceptions).

In a campaign, the *origin* of an issue is all-important. Because the war-risk charges were raised by Carter personally they were discredited as "politically motivated" and rarely raised independently by reporters. Compare that to the "meanness" issue, which Reagan himself never really had to fuel. "I told our people, stay out of it—the press is doing the job for us," says Reagan senior media advisor Robert Gray.

The Carter strategists could not count on the same thing, and that's what made them angry enough to pick up their phones that October morning and complain to reporters. The best example the Carter complainers had was an interview Walter Mears of the Associated Press conducted with Reagan on the last day of September, in which the candidate said the threat of an arms race should be used as a "card" in negotiations with the Soviet Union. This was not out of character for Reagan; he had hinted as much before in an interview with Lou Cannon of *The Washington Post*. Nonetheless, the reporters assigned to his campaign should have viewed the statement just as the White House press corps viewed Carter's "mean" comments in Atlanta: as an opportunity to draw out the candidate on this essential issue.

It didn't work that way. The networks ignored the "trump card" story and most papers buried it. The interview was forgotten until Carter pointed to it as a departure from 30 years of presidential support for arms control. But once he did that, the issue became political and the substance went largely unexplored by reporters. In assuming that the Reagan and war issue was just a part of the campaign *and nothing more*, the press decided on a passive role—quote the charges to Reagan and get a response. That is very different from deciding the war and peace issue was important to them *as reporters*—which they did with Carter's "meanness."

The same passiveness characterized many reporters' reactions to Reagan's comments last spring about using a blockade of Cuba as a contingency response to the invasion of Afghanistan; his belief, expressed in October, that the U.S. should have considered seizing North Korean ships after the taking of the *U.S.S. Pueblo*; and his view that U.S. planes should perhaps be stationed in Sinai airbases. Weren't the implications of some of these ideas worth exploring in more depth? Should the United States deliberately prompt drastic escalation of the arms race? Should we be prepared to go to war with the Soviets over Afghanistan or with the Koreans over the *Pueblo*? Should we really place American planes and the personnel to fly and service them in the middle of the Middle East tinderbox? Only the statement on a potential blockade of Cuba got any attention from the press at all.

That's Incredible

A number of reporters on the Reagan plane point to the candidate's inaccessibility as an explanation of their failure to ask tough questions. After a series of gaffes around Labor Day, Reagan was virtually shut off from reporters. Press secretary Lyn Nofziger would usually wave the press away after a brief question or two

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on the airport tarmac. The press duly noted this development but never made much of a stink about it. Reporters complained among themselves but essentially suffered silently. If they had done their complaining in their stories, they might have been able to embarrass Reagan into becoming accessible.

That contrasts sharply with the attitude of the White House press corps when faced with a similar problem. Last spring, the press let the public know all about the charade that came to be called the "Rose Garden strategy." The press used the phrase often, even when the President's political foes made no mention of it.

By fall, Reagan was using the traveling road show in the same way Carter had once used incumbency—as a shield. But no comparable effort was undertaken to inform voters—repeatedly—of what was happening. How often did you hear network correspondents saying "Once again today Governor Reagan employed his 'tarmac strategy' and refused to answer all but one question from the press"? At least when the incumbent played that game there were other administration-record stories to pursue. When the challenger did it, the effect was much worse, because all reporters could then do was regurgitate what the Reagan campaign had fed them.

Unfortunately, on those occasions when questions for Reagan were allowed, the results suggested that even if the press had gained more access, it might not have mattered much. Toward the end of the campaign several reporters were granted brief interviews with the candidate. If their stories are any indication, many seemed to ask only questions about the horse-race, or throw gopher balls. A larger number of the accounts of the interviews led with the hardly startling conclusion that Reagan admitted Carter had made him the main campaign issue. Reporters thought that was a big story, but it actually just showed them falling once again for the classic Reagan strategy of playing the underdog.

"When they got the chance, most reporters didn't ask Reagan much more than reaction questions," says Walt Rogers of AP Radio, who shifted back and forth between the two campaigns. "They'd say, 'What do you think of this, Governor,' rather than 'How do you square this with that.' Carter met with a lot of tough, pushing reporters. Reagan didn't." Eleanor Randolph (now of *The Los Angeles Times*) was more blunt: "I was astounded at how they soft-talked him."

Reporters wrote stories on Reagan's dramatic shifts on labor issues, the Chrysler bailout and aid to New York City, but only rarely did they present them in the striking terms that drive the message home to voters. The paucity of tough pieces is reflected in the fact that, asked to cite an example of toughness, many reporters recall the same one—a story by Bill Plante of CBS in which he dramatized Reagan's contradictions by juxtaposing different statements and drawing Xs across the face of the old Reagan.

There were other examples, but appreciation of Reagan's campaigning abilities took up far more space than skepticism about what he was saying. David Nyhan finished a wrap-up in *The Boston Globe* sounding like the host of *That's Incredible!*:

"The Reagan saga describes an incredible career. And to see a 69-year-old man performing the role of a lifetime, and on the brink of incredible success, is to witness a politician with some remarkable talents."

True, there was a story to be written about the strange nature of Reagan's appeal. What made the Gipper so popular? Lou Cannon of *The Washington Post*, who began covering him in 1966 and knows more about him than any other reporter, did a solid job in the early months of the year explaining the man, and that gave the *Post* the edge in early coverage. He was also the first journalist to report on Reagan's hearing loss, and on his dubious use of statistics.

But overall, the pace Cannon set for other print reporters and the networks and newsmagazines which took their lead from him was not especially rigorous. By fall he was treading only lightly on Reagan, occasionally criticizing the progress of the campaign but rarely if ever reflecting badly on the candidate himself. Reagan's flip-flops, for instance, were mentioned mainly to prove he was a practical politician. Every implied criticism was followed by some kind of rationalization or other sign of more-than-grudging respect.

Cannon's fall coverage was complete in its account of what happened on any particular day, which is important but already done by the wire services. It was often sparse in its analysis of how the candidate had changed or distorted his record, which Cannon, as dean of the Reagan reporters, knew better than anyone else.

Even for a hard-working and sincere journalist, 15 years of covering one politician can have a strange effect. In the fall, Cannon wrote as if he believed readers already knew almost as much about Ronald Reagan as he did, and thus there was no point in dredging up what he had reported earlier. "People knew where he (Reagan) was on farm subsidies," Cannon says in

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explaining why his story on Reagan's farm speech, unlike *The New York Times* account, included no reference to the contradiction between Reagan's support for subsidies and his free market ideology.

The "we've-had-it-before" syndrome went far beyond Cannon. Should the press repeat important coverage? As far as Reagan's record as governor was concerned, many reporters and editors said no. If the majority of Americans don't start paying attention to politics until after the World Series, well, that's their problem. If voters elected Ronald Reagan believing that he had cut California taxes (he sponsored the largest tax increase in the state's history), it was their fault for not paying more attention when the "Reagan record" piece ran in May or June.

Which should the press do: get the facts out at some point, thereby fulfilling an obligation? Or make a determined and consistent effort to inform and educate the public about a man and his record? Collectively, the press seemed to have chosen the former, the evidence being that most voters still do not know that the tax cutter and budget slasher they elected was neither when he governed California.

Institutionally, the press is set up to crawl all over the federal government and report on the incumbent's record every day. The Reagan record, on the other hand, was defined in the fall only by the extent to which the two candidates talked about it. There were some notable exceptions, but once again the press played a largely passive role, letting Carter handle—and thus discredit—the charges of distortion. If editors had chosen to take even one-twentieth of the money devoted to covering the horse race and used it to send an investigative team to California, the natural imbalance might have been corrected a bit. And maybe the country could stop learning about its presidents the hard way.

Leave It to Deaver

That's the problem writ large. But what about the reporters themselves? The example of their predecessors' career advancement must have weighed on them in some way. Even though getting a job as daily stenographic grind at the White House has lost some of its cachet in recent years, many print reporters covering Reagan must have known their careers might well get a boost because of their familiarity with the incoming Reaganites. And for the network reporters covering Reagan, the job of White House correspondent with its guarantee of air time seemed a reachable goal. As it turned out, this year only Bill Plante of CBS will make it that far, but while the campaign was progressing, the example of 1976 could not have been lost on the others.

How does the logic of all this work itself out in the mind of a reporter?

Let's pretend it's October and you're covering the Reagan campaign. *Leadership '80*, the Reagan plane, is ascending out of some blurrily recalled Midwestern airport. Nancy Reagan strikes her best Don Weber pose and bowls an orange all the way down the aisle, her Adolfo suit creasing perfectly in the process. It hits the exit door, and the staff cheers. These people sound like winners.

> *Did you ever hear a network correspondent say, "Once again today Reagan employed his 'Tarmac Strategy' and refused to answer all but one question from the press"?*

Mike Deaver wanders over. He's Ronald Reagan's right hand, the aide who wakes up the candidate in the morning and tucks him in at night. He asks if you want to play a little bridge later on. Like most of these p.r. types, Deaver's a good guy, notwithstanding that business about his firm representing the Taiwanese. More important, he's a good guy to get to know. A good source.

Right now that doesn't mean much—the election's only around the corner and you've got enough problems just filing long daily stories covering what Reagan says. Besides, Deaver's not about to give you an exclusive anyway. A private poll or two perhaps—Richard Wirthlin's figures showing Reagan ahead are getting well circulated. But the campaign's past the point where the planted leak helps the cause much. At this late stage, with everyone playing it so close to the vest, the source thing isn't so important.

But as you peer over Deaver's dome at the landscape disappearing in the distance, you say yes to the bridge offer without pause. Forget the fact that you despise the game and only know it because your grandmother once insisted it was a good way to make friends. This is one of those times when grandma had a point. Common sense would tell any reporter that he should get acquainted with Deaver as well as he can, if not for now then for later.

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Later, of course, means if Reagan wins. If he loses—let's face it—Deaver's a nothing, back on the slow boat to Taipei. You may genuinely have enjoyed those long nights blabbing away with him in the hotel bar but they won't mean much beyond pleasant campaign memories. On the other hand, if Reagan knocks off Carter, Deaver is palace guard—a very key source. So is that man who just walked up the aisle to the front compartment: Ed Meese. You know him pretty well too. Come to think of it, you've been on this beat so long even the governor himself is no stranger. It's been several months since you really sat down with him but Lyn Nofziger's people have lined up a brief interview for you late next week. Plus another...after the election.

So Reagan wins, and now you're back in Washington, or set to move there. You stride into the Washington bureau of your paper just as an exasperated reporter slams down his phone and yells at the ceiling— true story—"Who here knows any Republicans?" As it happens, *you* do. When it's time to write the big Sunday piece, when *Meet the Press* is lining up panelists, when there's a shakeup in the bureau—take a guess at who gets the nod. It isn't your colleague who trooped through the New Hampshire snow in 1976 with the "peanut brigade" and now busies himself writing Carter post-mortems. You do. You know Mike Deaver.

It's not quite as simple as that. Your sources from the campaign only take you so far, and reporters who covered Carter are not exactly washed up. They are established, and if good, will bounce back quickly. In that sense the White House press corps had a lot less to lose covering this campaign than you and the others on the Reagan plane had to win. Which may help explain something about the tone of this year's coverage, not to mention our national habit of creating and idolizing presidential candidates, then smashing them after they take office.

The cycle may well continue. In four years, ambitious young reporters covering the next presidential campaign probabably won't remember whether Howell Raines of *The New York Times*, Lou Cannon of *The Washington Post*, or Bill Plante of CBS were tough or soft or neither or both during the 1980 campaign—and it probably won't matter to them. What they *will* remember, and what will matter, is what happened to these reporters and others after the Reagan campaign ended: all will now move from lesser assignments to covering the President. Cannon, like Wooten in 1976, will get to write a book about his candidate. Whatever the true nature of their coverage, the lesson perceived by other reporters might be the wrong one. It has happened before. ■

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Industry's Bondage Fetish

by Harold Bergan

Bangor, Wisconsin, is a quiet little dairy town. Its main street is three blocks long, and boasts a grocery store, a hardware store, a few bars, and two banks. One of them, the First National Bank of Bangor, is owned by the town's leading citizen, John Bosshard. Bosshard is a self-made millionaire, having built a fortune in real estate, banking, and the practice of law.

Bosshard wants a new building for his bank, which is housed in a humble old structure having none of the antiseptic slickness one associates with modern finance. The new building will cost $600,000. As a shrewd investor who is himself in the loan business, Bosshard naturally wants to borrow money on the best possible terms.

So he's doing it in a way that provides him money cheaper than you or I will ever be able to get it. Who's footing the bill for Bosshard's deal? You.

Bosshard has arranged for the Bangor Village Board to issue $600,000 in industrial development bonds (IDBs). Proceeds from the bond sale will be made available to Bosshard to build his bank; he will then pay back the bonds from revenue the bank generates.

Harold Bergan, a Madison writer, served as an aide to Wisconsin governors Martin Schreiber and Pat Lucey.

While this sort of arrangement would have been considered unusual as recently as a decade ago, today it is common. IDB financing is underwriting thousands of projects across the country, at an ever-accelerating rate. In 1963 IDBs were largely a regional phenomenon in the South, and the total volume of bonds written was $88 million. Now IDBs are employed nationwide, and in 1979, according to the Congressional Budget Office, $7 billion worth of them were issued.

Using IDBs instead of bank loans, Bosshard will save $24,000 a year in debt-service payments. Companies using IDBs generally enjoy at least a 30 percent reduction in their cost of money. In today's market, a $10 million IDB will save the borrower about $400,000 a year.

Why are IDBs so much cheaper than bank loans? The key is that the federal tax code permits state and local governments to use their tax-exempt borrowing privilege on behalf of private businesses. Technically, it isn't Bosshard who's borrowing the money, it's the village of Bangor.

Investors who put up IDB capital (by buying the bonds) accept a lower rate of return on their money because they don't have to pay taxes on

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the interest they earn. In October, when the prime rate (what Bosshard would have had to pay if he'd gone to his own bank for the loan) was 12.5 percent, IDBs were selling for 8.5 percent.

It's an irresistible deal. Bosshard gets a loan cheaply; Bangor's construction industry gets a boost; investors make a little less than they would on conventional bonds, but escape taxes. You'd borrow money this way any day—that is if you could, which you can't.

There must be a loser somewhere in this transaction. There is—it's the taxpayer. Bosshard's $24,000 saving is money that otherwise would have gone to the federal Treasury. Since he could easily have financed his new building using conventional bonds or bank loans—as, indeed, almost all IDB-backed projects could be financed anyway with or without this tax break—what it all boils down to is a direct subsidy from Washington to First National of Bangor.

Though the federal tax statute that authorizes IDBs has always been fairly broad, states and municipalities at first used the bonds sparingly. Most issues were sold for projects with a special "public purpose," usually meaning the creation of manufacturing jobs in new industry. IDBs were viewed as limited tools for this limited objective. But in recent years, that's all changed. State and local IDB guidelines have been expanded to include just about any kind of project and circumstances. A simple "needs" test has been established—if a businessman asks for the subsidy, he must need it.

Yet states or towns issuing IDBs must still go through the motions of justifying them. The Bangor Village Board's resolution approving Bosshard's IDB asserts that "The project will be located in a blighted area in which structures and buildings are dilapidated, deteriorated and abandoned, thus endangering life and property by fire and other causes and are conducive to ill health, juvenile delinquency, vandalism and crime."

One hopes they will lock up the women and children until the new bank comes to the rescue. But Bosshard's new building is not likely to be of much assistance in combating the decline of Bangor's main street, because it won't be there. The "blighted area" referred to in the resolution is not downtown, but in a subdivision Bosshard is building on an old farm at the outskirts of town. This means the IDB is financing Bangor's small-town version of urban sprawl, sucking prosperity away from the town's center. Yet the village board is not inclined to quibble with Bosshard's judgment; after all, he is the town's attorney. In fact, Bangor Village President Theodore Piske says Bosshard represented the village as well as himself in negotiating the IDB's terms.

Here Here!

The Bangor IDB may be a little smaller and chummier than most such deals, but it is altogether typical in its essential elements. Like most IDB loans, it features a wily, aggressive borrower, a compliant municipal government, and a project with a fictional public purpose.

Most of the "public purpose" reasons for IDBs can be dismissed with the wave of a ledger sheet. Local and state governments stress that IDBs offer industry a valuable incentive to locate within their jurisdictions and, once in town, to stay in town. But most business studies show this reasoning to be imaginary. Firms make location decisions primarily on the basis of the needs of their industry (paper mills must be near timber), labor force availability, and, increasingly, the cost of energy. The availability of inducements like IDBs always finishes far down the list of reasons why companies locate or move.

IDB availability is of little consequence to companies mainly because the same break is offered nearly everywhere. Every state and local government is authorized, by federal law, to issue IDBs. The criteria for IDBs are anything but strict. Only in the rarest cases would a project qualifying for an IDB in one town not be able to get the same deal in another. The Wisconsin legislature, for instance, last summer amended its IDB statutes to extend the tax breaks to cable-TV systems. At least ten IDBs, totaling $1.3 million, will be issued on behalf of Niall Communications, a cable carrier serving towns in southwest Wisconsin. Jack O'Neil, a partner in Niall Communications, says bluntly that the project would have gone ahead with or without the extra IDB incentive. There's no question of "location" here at all; cable TV for rural Wisconsin could hardly pack up and go to some other state.

Suppose it were true that IDBs did cause companies to change their minds about where to locate. That might make them good for the lucky towns, but would make no sense as general social policy. Why should the federal goverment subsidize industrial development in Akron at the expense of Youngstown? If the net amount of economic activity in the country is not increased by IDBs, then federal dollars have been expended only to see that a project is here, as opposed to there, which makes the nation itself no stronger.

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On the other hand, what if the IDBs *do* increase the net amount of economic activity? There must be some borderline projects stimulated by the cheap financing, particularly when interest rates are as high as they are today. If the cut-rate IDB helps create productive jobs, that's good. In that case you would be annoyed at the loans' dishonest packaging, yet you'd endorse them anyway because of what they accomplish.

But IDBs are a notoriously inefficient and unreliable form of handout. They are inefficient because they require the blessings of an array of middlemen, including bond counsels, mortgage bankers, lawyers and financial consultants. A study by the Municipal Finance Officers Association shows that the average fees paid to IDB middlemen has more than doubled between 1973 and 1979. The job of a bond counsel is to attest to the tax-exempt status of the bonds when they are put up for sale. Though each IDB issue is different to a degree, much of the work of a bond counsel is of the boilerplate variety. This is particularly true of the work done on behalf of firms like K-Mart, which is using IDBs on a large scale and replicating the same documents in a variety of jurisdictions.

Bond counsels, like so many of the new managerial hustlers, do not sell their time so much as their experience in dealing with the Treasury Department officials who serve as final arbiters of which projects are tax-exempt. Bond counsels insist their business is risky and complicated, with the possibility of a huge liability to them if a tax-exempt status is overturned. Yet forward-looking law firms are lining up to get into this risky, complicated business. A bond counsel fee of $30,000 to $40,000 is typical for a $10 million loan.

There are numerous ways to provide industry with incentives and tax breaks that do not require a layer of counselors and consultants to employ. But more important, a company cannot gain access to IDBs without also enlisting the local political apparatus. After all, each bond issue must be specifically debated and approved by a state legislature or town council.

At best, this requirement means that the company must invest a lot of time and money in lobbying municipal governments and state development authorities, and perhaps mounting a PR campaign to get the voters on its side.

Even then, there's no guarantee that a worthy project *will* get an IDB. A fundamental premise of government incentives is that they should be fair and equitably available to all who qualify. The politics of IDBs makes meeting this test impossible. Imagine if, to claim an investment tax credit on new machinery, every company had to persuade the local city council that its purchases enhanced the "public good."

Unless companies have equal access to IDB breaks, free competition cannot be served. How can a firm forced to rely on conventional financing go up against its IDB-subsidized competitor on even terms? A loan structure that relies on political influence and tomfoolery makes unequal favors inevitable.

Joel's Bond

Let's look at an example of IDB use in another Wisconsin town—Madison. Madison is the liberal capital of a progressive state. Until two years ago, its mayor was a young anti-war radical, Paul Soglin. Its present mayor, Joel Skornicka, is a capable executive who like most mayors is struggling with fiscal problems. Skornicka spends much of his time saying no to a formidable range of deserving constituent groups who come to him seeking government money for this or that. So, it is gratifying for him to be able to say yes to someone once in a while. There is nothing easier to say yes to than an IDB. Issuance of IDBs has, therefore, taken off in Madison in the last two years.

To a municipal official, the political advantages of IDBs are too good to be true. For one thing, they are free. The federal government pays for the subsidy; the small cost of the city's legal work is charged to the borrower, who in turn amortizes it into the bond issue so he doesn't pay up front, either. Thus IDBs are the purest form of something all governments like, non-accountability. Local governments can pass out millions of dollars in federal tax breaks at will, running up the federal deficit, and then the local mayor can call a press conference raising hell when his revenue-sharing funds or waste-water treatment grants get cut back.

But when Skornicka or any other mayor contemplates IDBs, he need not fear Washington will wake up and cancel the program. It is virtually impossible to dislodge an off-budget tax expenditure like IDBs. There is no political credit a congressman can gain by putting an end to a subsidy that doesn't show up in the budget. The tax expense involved in an IDB is the absence of revenue, as opposed to the presence of an appropriation. Bosshard's bank, for instance, will cause the Treasury to go $24,000 farther into debt this year. Yet that money isn't listed anywhere—it's just not around when you count up what's come into the till. If, on the other hand, Congress had passed the John Bosshard Relief Act, granting $24,000 for the purpose of making First National Bank of

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The abandoned farm on which John Bosshard will build his new bank, using IDBs: "A blighted area...endangering life and property by fire and other causes and conducive to ill health, juvenile delinquency, vandalism and crime."

Bangor more profitable, the financial situation would be exactly the same, but there would be howls of outrage.

While there is no constituency for ending IDBs, the constituency for continuing them is large and powerful. It includes not only the *Fortune 500* companies, but the small-business community as well—in short, everybody except the businessman who can't get an IDB when his competitor can. Add to those the bond counsels, bankers, and consultants whose continued prosperity is in part dependent on an expanding market for tax-exempt securities, and you have something like an irresistible political force. Jimmy Carter, for instance, promised to include IDBs in his 1978 tax reform. He wanted to limit their use to depressed areas. When the "reform" finally emerged from Congress, however, the main change in IDB law was a doubling of the maximum size of most common forms of the bonds from $5 million to $10 million, thereby substantially broadening their market and helping set the stage for the recent explosion in IDB use.

Madison and other cities are besieged by companies large and small threatening to move their jobs and property-tax revenues out of town if the city council is disinclined to provide tax-free financing for their expansion plans. Threats to locate elsewhere are virtually all bogus, but the bluff is seldom called. Neil Peirce, a founder of the *National Journal*, calls business attempts to win tax breaks by playing one community off against another "industrial blackmail."

The most controversial "industrial blackmail" Mayor Skornicka has had to face is the use of bonds to finance construction of a new medical clinic in downtown Madison. The doctors who own the present downtown facility, called Jackson Clinic, argued that they needed to expand and wanted to stay downtown. To accomplish these public-spirited goals, the doctors wanted a tax break in the form of IDBs.

Actually, the clinic can't do anything but stay downtown, since its economic future is closely tied to an adjacent hospital. And there isn't much danger of the hospital relocating in Sheboygan. When calculating the IDBs' contribution to Madison's welfare, however, it's more important to note that a new clinic building does not promise to provide any general social improvement, like enhanced medical care. No community in Wisconsin, and few in the country, has more doctors per capita than Madison. The new clinic's primary purpose is to solidify the power of its doctor-owners in a market that is already saturated.

The bond issue (coincidentally, for just under the $10-million limit) promised to create little new employment. Temporary construction jobs will be created, but any permanent new jobs will be paid for by the clinic's patients, as will all the exotic equipment which will fill the place. A task force that studied the question for Skornicka concluded that the new clinic would *increase* the cost of health care to Madison residents.

All these facts were known to the city council and the mayor. They knew the faults of IDB funding, too; Skornicka and his aides acknowledge that as a matter of federal policy, the IDB provision of the tax code is a real nose-holder. Yet the bonds were approved. Why?

To any mayor, there is a tremendous political bonus to IDBs. They result in something tangible—a building or industrial facility which is

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testament to an administration's commitment to economic development, and which the mayor can stand in front of and have his picture taken. "Economic development" is a phrase which conjures up visions of political immortality in the minds of local officials everywhere.

Because of the double-think and mystification that passes for federal economic development policy, Skornicka had another reason to endorse the Jackson Clinic IDB. The clinic is linked with a downtown development project known as Capitol Center.

Capitol Center is a proposed residential and commercial development to be located near the clinic, and it is the centerpiece of the city's efforts to revitalize its downtown. The center may or may not be a good idea, but it is an idea to which Skornicka and most of the city council are committed.

Financing of Capitol Center hinges on the city receiving a large Urban Development Action Grant from the Department of Housing and Urban Development, and the establishment of a "tax-incremental financing district." (TIF is a new local financing tool which permits the new real estate tax value generated in a district under development to be invested in improvements in that district, rather than going into the city's general fund.)

Adding $10 million worth of Jackson Clinic to Capitol Center will increase the new investment Madison can claim on its UDAG application, which in turn will increase the amount of aid for which Capitol Center can qualify. Moreover, the city drew the boundaries of its Capitol Center TIF around the new clinic, thereby increasing the amount of tax value that can be converted into cash for the new curbs and gutters, streetlights, and other improvements the Center project requires.

Skornicka has thus done a masterful job of getting the federal government to finance his design for downtown. By spending the federal government's money on an IDB, he has increased the federal expenses on Capitol Center. The old saying, "You have to spend money to make money" takes on special meaning here, when all the money is somebody else's. Meanwhile, by issuing an IDB to the clinic's doctors, the city handed them a federal subsidy of at least $300,000 per year to build a facility whose sole purpose is to increase their incomes. The fact

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Remember the days when "change back from your dollar" was McDonald's advertising slogan? That spirit no longer applies to Big Macs and fries, but McDonald's has found a way to get change back from its investment dollars. It's using industrial development bonds (IDBs) to finance construction of new Golden Arches restaurants.

Since 1975, McDonald's has used the cut-rate, tax-subsidized bonds to build 103 hamburger stands in nine states—Illinois, Indiana, Michigan, New York, Pennsylvania, Ohio, Tennessee, West Virginia and Wyoming. The company has been issued a total of $47.8 million worth of IDB loans.

Hamburger stands were hardly what the Congress had in mind when it passed the original IDB statutes. IDBs were supposed to help risky manufacturing businesses get off the ground in economically depressed areas. "Risky" and "manufacturing" are not words one usually associates with McDonald's, the fast-food giant grossing $5.5 billion in 1979. But McDonald's is not alone. With IDB eligibility requirements being relaxed and companies scrambling for ways to beat high interest rates, McDonald's has been joined at the IDB window by some of the savviest members of the *Fortune 500*—Procter & Gamble, Burlington Industries, Ralston-Purina, General Mills, Nabisco and Beatrice Foods. Other fast food chains, including Sambo's, Wendy's, and Friendly Ice Cream, are going after IDBs in a big way.

McDonald's officials probably know in their hearts that IDBs leave a lot to be desired as an element of tax policy. But they also know a good thing when they see it. "A corporation has a major responsibility to borrow money at the lowest cost," says Russell L. Geuther, a partner in McDonald & Co., a Cleveland investment firm which underwrites McDonald's IDBs. "Any corporate treasurer ought to use IDBs. If he doesn't, he ought to be looking for a different job."

In 1979 alone, McDonald's financed 52 Golden Arches using IDBs in Pennsylvania and Ohio alone. Generally, corporate officials say, there is very little public attention paid to the creation of the special loan boards that float the bonds.

The K-Mart Corporation has not been so fortunate in getting IDBs without negative publicity. K-Mart is the country's second largest retailer, with 1,730 discount stores grossing $14.5 billion last year. It is charging hard to surpass its number-one competitor,

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that the clinic is unneeded and will inflate the cost of medical care—hardly economic progress or service to the "public good"—does not matter. When cranked into the UDAG formula, it greatly improved the city's chances of funding. The formula does not ask "What for?" It only asks "How much?"

Reagan's Escape Clause

There is no reason to expect businesses to curb their appetites for IDBs. Nor are states and cities likely to slow the pace of IDB growth. Not only are IDBs protected by being an invisible "off-budget" expense, they also operate under the hallowed rubric of public-sector/private-sector cooperation. The fact that this partnership has failed so spectacularly in such areas as health and housing makes it no less resistant to reform.

President Reagan has repeatedly promised to begin a new regime of serious budget-cutting. The congressional budget debate under Reagan is likely to concentrate on the grant programs which show up as expenditures. If the pro-industry grant programs of the Economic Development Administration, Department of Energy and HUD begin to suffer under Reagan, there will be great presssure from the development industry to broaden back-door subsidies like IDBs and loan guarantees. Invisibility—the absence of a line-item appropriation people can notice and complain about—has permitted the tremendous growth in IDBs over the past few years. If the anti-spending rhetoric of the election campaign turns out to be serious, IDBs will seem like the perfect escape clause.

More IDBs were authorized in Wisconsin this September alone than were issued in 1963 in the entire country. As the IDB boom swells beyond the $7 billion of 1979, an all-bond future for industry would seem to be in the offing. Businessmen who prosper from IDBs will lobby everywhere for their increased use. For high-powered help, they could enlist conservative direct-mail specialist Richard Viguerie in their effort. Viguerie is getting tooled up for the task—he is constructing a brand-new $7 million computer and mailing complex to more effectively spread the gospel of no handouts, "off your back" government, and free enterprise. Viguerie's complex is being built with industrial development bonds. ■

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slumping Sears, Roebuck & Co. In the last six years, K-Mart has obtained $219.3 million in IDBs to build 93 stores in 20 states.

K-Mart generally works through a developer who will build a commercial center and make K-Mart the major tenant. It is the developer who goes to the city council and tries to sell it on a bond issue.

When K-Mart tried to arrange a $4 million IDB to build a shopping center in Hamilton, Montana, local merchants went up in arms. They realized the purpose of the bond was to lower the cost of a development designed to put them out of business. They were up against a basic inequity of the IDB structure—that it favors impressive, large-scale new construction projects. It offers no help to the small businessman seeking, say, $12,000 for renovations. He must go to a bank and pay prime rate.

Angered that public funds would be used to give K-Mart a competitive advantage, Hamilton's merchants turned the bond proposal into a political issue. This is a rare tactic, since most IDB issues take place unnoticed, or even unannounced. The merchants mounted a petition drive to get an anti-IDB proposition on last November's ballot. It won by 363 votes. K-Mart, however, was undaunted by its Hamilton setback. Company officials say they plan to continue using the bonds wherever they can persuade local government to provide them.

IDB use by Beatrice Foods, one of the nation's largest food processors, totals $14.6 million for six projects underway in five states. Sambo's has two bonds for $4.6 million floated in Kentucky, and Friendly's just obtained $4.5 million in IDBs in Ohio. Procter & Gamble so far has obtained $7.5 million in IDBs, Nabisco $4.6 million, and General Mills $5.8 million.

Rep. Al Ullman of Oregon, outgoing chairman of the tax-writing House Ways and Means Committee, isn't pleased with the IDBs going to prosperous *Fortune 500* companies. "But I don't blame the companies for using them," Ullman says, "I blame the communities for letting them be used."

One community that comes in for special recognition is Philadelphia. A few years ago, it issued a $400,000 IDB to open an adult bookstore in the city's porno district. Philly's Hearts & Flowers topless go-go bar also got bumping and grinding with the help of tax-free bonds. Somebody must have confused stimulating business with stimulating businessmen.

—*Alicia Shepard*

Alicia Shepard is a reporter for the Scripps League newspapers.

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What's Wrong with Affirmative Action

by Leonard Reed

The scene was a seminar room at the Federal Executive Institute in Charlottesville, Virginia, the think tank for the U.S. government's career executives, and the discussion was animated among the half dozen or so federal managers who had been brought from various parts of the country to—well, to think. Under discussion were the impediments that an overgrown government places in the way of intelligent and efficient management, and all of the participants were leveling some blunt indictments against the powers that be (who always dwell in the next echelon up). Perhaps carried away by the heat and frankness of the bull session, one of them cited, as among the most severe problems, the government's "affirmative action" program. The animation froze as abruptly as if E.F. Hutton were about to be quoted. The executives looked around uneasily, suddenly aware that they hardly knew each other. A taboo subject had been raised, one that a person discussed frankly only with intimates. The embarrassed speaker was left to extricate his foot from his mouth as best he could.

But if few executives will discuss it in public, doubts about the government's affirmative action programs are epidemic in the federal service. They are epidemic, most dramatically, among federal managers who have long considered themselves conscientious liberals. I know these people. They supported the civil rights movement, and they supported the affirmative action concept when it was first introduced. Today, when they glance around them to make sure they are alone before unburdening themselves of their doubts, one gets the feeling they are speaking with a frustration that comes from experience. There is something else too—an aura of resentment, born of the fear that prevents them from speaking more freely.

How did affirmative action, an idea spawned in an era of generosity of spirit, get from there to here?

Network-Busting

The great civil rights movement of the sixties culminated in the Civil Rights Act of 1964. Title VII of the Act, which became effective in the summer of the following year, prohibits discrimination based on race, color, religion, sex or national origin in hiring, firing and all other terms and conditions of employment. The concept of "affirmative action" as an adjunct to Title VII developed later, as a number of amendments and executive orders ensued throughout the seventies.

The concept has since taken on a life of its own, but the original impetus for it had a

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"If it was difficult to supervise Borman before—he is intelligent but very defensive—it was now impossible. He did virtually nothing for three years except work on his own discrimination case. Any assignment his supervisor tried to give him he regarded as an attempt to obstruct his preparation and would make notes accordingly. . . ."

powerful rationale. Prejudice and discrimination, both conscious and unconscious, are facts of life. In government, as elsewhere, managers looking to fill vacancies lean heavily on what have recently become popularized as "networks": applicants come to their attention after being passed along by a chain of people, the first of whom is a friend of the applicant and the last of whom knows the hiring official. Because white males have dominated the positions of power in the past, most networks have been white and male as have, inevitably, the successful candidates. (True, some women and some blacks have always managed to make it big on their own, but their success only served to emphasize their exceptionality.) Adding to the unconscious screening out of all but white males was the stubborn resistance of a great many employers and managers who thought that woman's place was at home or, at best, at the typewriter, and that blacks, although not terribly reliable, could be useful at menial jobs where they were not likely to meet the public.

Habits and attitudes like those, ingrained in the social and economic fabric, are not easily changed. Prohibitions against discrimination are fine, but charges of discrimination are hard to prove. If competent women and blacks were ever to get a fair crack at the job market something had to be done to break the logjam that blocked them out. Hence, "affirmative action," a concerted effort to increase the numerical representation of women and minorities in non-dead-end jobs. It is a fair assumption that a substantial majority of the American people see that goal as one with which they associate themselves.

That substantial majority, however, melts away when the "affirmative action" moves beyond active efforts to discover, recruit, train, and hire qualified women and minorities. Increasingly, the term "reverse discrimination" ruffles the surface of American life, and the word "quota" is pronounced in terms of bewilderment or disagreement. The federal government is no exception. What is exceptional about the government is the extent to which the bounds of the discussion are set by affirmative action leaders who seem to see the program as an ideology from which no heresy is permitted. "Let the issue of quotas and 'reverse discrimination' be put to rest," decreed Eleanor Holmes Norton, head of the Equal Employment Opportunity Commission, in a 1979 address. "Let 'reverse discrimination' be banished from the language." Patricia Harris, the Carter Administration's Secretary of Health and Human Services, talking of the need to increase the number of women in management, recently said, "I hear about so-called 'reverse discrimination' but I have never seen it."

Well, to a white male denied a job or promotion simply because he *is* a white male, "reverse discrimination" remains a valid part of

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the language, (as for Harris's observation, one can only suspect that she was playing in the sandbox with Ronald Reagan in that never-never land where *he* grew up unaware that there was a racial problem in America.) And when percentile figures are set on the number of women and minorities that a supervisor must hire, irrespective of relative qualification or performance, we can call it what it is, which is a quota, or we can follow the example of Alfred Kahn and call it a banana.*

The federal government is also different in that, because Caesar's wife must be above suspicion, affirmative action takes a more hard-nosed form there than in the private sector. The government's program is enforced by full-time Equal Employment Opportunity divisions within each agency. An agency's EEO not only investigates discrimination complaints, but it wields a variety of carrots, sticks, and clubs over the heads of the other agency managers whom it suspects of foot-dragging on the affirmative action front.

The question is whether this mechanism, as it has come to operate in practice, is simply a legal device to break down the barriers of prejudice, or a blunt instrument of intimidation, leading in many cases to frivolous charges and litigation, whose costs in terms of a functioning government overwhelm any contribution it may make to opening up jobs for truly competent and qualified minorities and women. Listening to federal managers frankly discuss their experiences—something most are willing to do only after guarantees of anonymity—suggests that the latter is the case.

"They're Not Out There"

An executive in the Department of Health and Human Services described the current atmosphere this way:

"Affirmative action has overwhelmed consideration of fairness and efficiency in the thinking of a federal manager. Each agency has its own 'equal opportunity' bureaucracy that can justify its existence only by keeping the fires hot. You are constantly on the defensive, it's on everybody's mind, and when the subject comes up you feel compelled to cite how many women you've hired, how many minorities you've promoted. Any second thoughts, any questioning of the thrust marks you as a dinosaur, someone whose future is behind him."

A critical element in the performance appraisal for all federal managers is the "minority hiring and promotion" factor. What the manager is expected to achieve in order to be adjudged satisfactory ranges from fairly general goals of "improvement in hiring practices" to "target goals"—that is, specific numbers or percentages of target groups (women, blacks, Hispanics, etc.) to be hired or promoted. In many fields the scarcity of qualified minorities plus the pressures to meet the quotas creates an impossible situation for the mid-level manager.

The head of one subdivision of a government agency involved in radio broadcasting was told by a recent director of the organization that he expected him to hire a "disproportionate" number of blacks for all subsequent vacancies. By disproportionate, he explained, he meant about 70 percent. The manager protested that of 190 applicants for the two available announcer jobs, he could identify only two as blacks and their auditions had not been even close to the passing range.

"I tried to explain to him," said the broadcaster. "I travel around the country. I advertise. I personally have written to 250 radio stations asking for their cooperation in finding black announcers. Finding women in broadcast journalism is no problem, but blacks are something else again. The total enrollment of minorities—blacks, Hispanics, etc.—in the communications schools nationwide is about 4 percent, way below the average for other professions. There are damn few black males going into this business. I'm competing, when I go out recruiting interns at the universities, with the best newspapers and TV stations. But I'm told when I get back to Washington that 'they're out there, you're just not trying.' I know they're not out there—not for us. I sought out recruits at Southern University, one of the largest black schools in the country, with a large communications department, and at Clark College in Atlanta, a first-rate school. Not one of the students applied. At Howard I interviewed 80 or 90 students. One applied. I resent being put on the griddle. Yes, there are applicants that no-

* The most recent banana was packed in a proposal by the Justice Department, concerning the PACE (Professional Administrative Career Examination)—the basic entry level exam for professionals wanting federal jobs. The PACE exam had been challenged in court by minorities who claimed the test favors whites because of their background. Instead of revising the test to eliminate any unfair questions, the government offered to guarantee that the number of blacks and Hispanics who would get jobs would be proportional to the number who took the test—or else the test would be rewritten until it produced that predetermined result. That is, if half the people who took the tests were black or Hispanic, then half the available jobs would have to go to blacks or Hispanics for the test to stand.

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AWARDS ANNOUNCEMENT

The Washington Monthly wishes to recognize the writers and publishers who share our purpose of trying to describe how the political system really works, to determine why it succeeds, and why it fails, and to suggest ways in which it might be improved.

The book published during 1980 that best achieves these ends will receive the *Washington Monthly*'s

ELEVENTH ANNUAL POLITICAL BOOK AWARD

The award will be announced in our March Political Book issue. Nominations (including two copies of the book) must be received no later than January 20.

Also, in our April issue we will inaugurate:

THE MONTHLY JOURNALISM AWARD

It will be presented each month to the best newspaper or magazine article (or series of articles) on our political system. Nominations from any newspaper or magazine anywhere in the country are welcome. The subject can be government in its federal, state, or municipal manifestations.

The first award will be for articles published in January, 1981. Nominations will close on February 15. Nominations should be accompanied by two copies of the article or articles.

Please send nominations to:

Awards
The Washington Monthly
2712 Ontario Road, N.W.
Washington, D.C. 20009

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body else wants. I resent being told that for them we should lower the standards. Well, it didn't do any good to explain—he told me that I fill the vacancies with blacks or not at all. The upshot was that the other announcers worked overtime and the taxpayers paid for it—and I was put in the position of being a damned racist."

Frank Berndt was the general counsel of the National Highway Traffic Safety Administration, a job he had held since 1975. Since that time, his office had hired 30 lawyers, 19 men and 11 women, of whom two were black. "It's easier for me to get highly qualified women out of the law schools," Berndt told the *Washington Post*. "With minorities it's harder. The competition for them is fierce." The reason Berndt was talking to the *Post* was that he had become the central figure in an unpleasant flap. His boss, Joan Claybrook, had put Berndt in for one of the bonus awards now available to senior executives. The Department of Transportation's selection board vetoed the award without explanation. But after gossip leaked out that the EEO office had axed the award on the grounds that Berndt had a lousy affirmative action record, the office admitted killing it. But, said the EEO official, he took the action not because Berndt's minority hiring record was bad—but because it was only "ordinary."

An executive in another government department, who was asked to organize a top-level consulting staff, spoke of the shoals he ran into:

"My job was to put together a staff of 18, comprised of the best professional talent available. Once this wonderful vision had been laid out, the realities struck home. After having taken on four people, I was told flatly that although there wasn't exactly a quota, if I didn't get more women and minorities immediately I wouldn't be permitted to complete the staffing. I had 4 out of the 18 and the music stopped. Now, the fact is that available blacks in the professions are in short supply. So since you are under terrific pressure to assemble a staff with the precondition of affirmative action, you find yourself in a bidding situation. The candidates come to you and they make demands. They tell you that they are being interviewed by a number of agencies, they want to know when promotions will come, where they will sit, what perks they will have—and they are in a position to say that they'll only come if the price is right. You find that you really have to scramble to prevent their walking out the door.

"Well, I was in a very awkward situation. I needed people in substantive professional areas who had been in government at a fairly senior level for some time. And there, women—and particularly minorities—are scarce. And, finally, what you do, facing reality, you accept people who are the best of a very uncertain lot. I believe in upgrading people, not downgrading standards, but that's not where it is today. People get sent around from the Director's office with a 'Must Hire' tag on them. I have so far filled eleven of the jobs—seven of them with 'targeted' people. In the affirmative action element of my performance rating I was graded 'outstanding.' But whether the people I've put on staff are adequate is another story. The point is that the emphasis isn't on qualifications, it's on the quota."

GS-14 By Right

The emphasis on race or sex rather than performance, and the explicit rules and implicit fears by which it is enforced, can wreak havoc in a large organization even after the initial hiring decision is made. That, at any rate, was the point a lawyer in a relatively new section of a large federal agency was trying to make when he related this experience:

"Jim Borman was one of the original employees hired when this unit was set up. Although his credentials weren't super—he had an M.A. in urban planning from one of those degree-by-mail mills—that was glossed over in the interests of 'affirmative action.' Jim came on as a GS-11. The following year he asked for and received promotion to GS-12, although the fact is he had been a disappointment. His performance was poor and he had the kind of crummy attendance record—lots of 'sick' absences on Fridays and Mondays—that is more common in your clerical than professional staff. Nevertheless, after a year at GS-12, he asked for promotion to GS-13 [current starting salary, $26,951] and he also asked that he be reimbursed for law school courses he had begun to take at night.

"By that time he had come under my supervision and on the basis of performance I couldn't go along with the promotion. I also had to turn down his request for reimbursement, since the courses he was taking were not related to our work. Meanwhile, our unit was growing and Borman was transferred to another supervisor to whom he made the same requests with the same results. He then filed a grievance charging race discrimination in the fall of 1977. The case stayed in our agency but went through various phases over a period lasting three years. The department hired outside counsel and so did Borman.

"If it was difficult to supervise Borman before—he is intelligent but very defensive—it was now impossible. He did virtually nothing during

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those three years except work on his case behind closed doors—you know, keeping records, making calls and so forth. Any assignment his supervisor tried to give him, he regarded as an attempt to obstruct his preparation, and would make notes accordingly. Meanwhile, Borman finished law school and now he increased his demands: he now insisted on a promotion to GS-14 [starting salary, $37,871], on the grounds that if he had been promoted to a 13 when he felt he deserved it, by this time he could have been promoted again. Also, he wanted to be classified as a GS-14 *lawyer*. You get the picture?—a fellow with no legal experience at all, while at the same time we have lawyers in the department with six or eight years' experience who have been at the GS-13 level for five or more years. Well, how do you think it came out? The finding in the case was that there had been *no* discrimination—but everyone's afraid of an affirmative action stigma, so all of Borman's demands were met anyway: retroactive promotion to GS-14 lawyer with back pay, reimbursement for law courses, and reimbursement for his legal fees.

"Do you realize what that does to the morale of the other professionals in our section? The hostilities it creates? And how it cheapens the success of those blacks who make it because they really have it? And there is something else here that is the Achilles heel of the whole affirmative action program—which is that it's only natural that a person who knows his strong card is not his qualifications for the job but his special status will press his advantage for all it's worth. And you can't run a railroad that way."

Management by Objection

Beyond how all that affects the cost of running the federal government, the atmosphere created by defining people in terms of race heavily burdens the possibility of decent working relationships. Many of the equal opportunity officials within each agency—usually themselves minority members—are minimally qualified for this delicate work; their belief that any problems involving minority hiring and promotion are a matter of prejudice and foot-dragging on the part of bigots is inevitably absorbed by the people it is intended to help. At the lowest levels the effects may be seen in the widespread surliness of office workers. (Conversation overheard in a Department of the Interior elevator: "Hey, Mora, Donovan wants that letter typed up this afternoon." "Yeah? Well tell Donovan to go f--- himself.") These attitudes, of course, find particularly fertile soil in the civil service culture where the fear of job loss is non-existent, and supervisors are impotent. At the higher levels the effect is more subtle. Another federal executive:

"When, because of the pressure, you take on underqualified minority people you have another problem. I've found that any effort to provide guidance creates a very sensitive situation. In my work we have to provide polished reports. If I have someone whose writing is sub-par and I suggest that I'd like to enroll him in a free civil service course in writing style, his immediate reaction is one of suspicion: 'Are you saying that I write ghetto English?' or 'Are you suggesting that I went to the wrong schools?' Because of the atmosphere, attempts to bring someone along appear to have racial overtones. You find yourself walking on eggshells and you face the possibility that he will file a grievance.

> *It's only natural that a person who knows his strong card is not his performance but his special status will press his advantage for all it's worth. . . .*

"You run into the same thing when you want to reward people who have done a good job. The quota mentality is so heavy in the air that when thinking of cash awards or commendations or promotions you have to figure out how you can balance things on a race and sex basis—and hope that there will be something left for the most deserving people. You end up having to toss something here, something there, even though it's not appropriate, just to be able to keep control of your staff."

Added to these feelings of frustration for many mid-level managers is the conviction that their own career horizons have closed in on them. The Nirvana they look forward to—admittance into the Senior Executive Service—has become appreciably less attainable.

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It's hard enough to get anything done in the government. Affirmative action has added the burden of trying to get it done with people chosen, not because they are the best, but because they can threaten a lawsuit or fill a quota.

"I don't like to talk about it," said one manager who felt he was stymied in his career, "because it sounds like sour grapes. But I'm just part of a pattern that exists throughout government. I know a whole bunch of GS-15s in their middle to late forties or just turning 50 who had expected some day to be in top management posts. But these days the name of the game is minorities and women, and white males are reduced to telling bitter jokes (for example, Man tells wife he is contemplating sex change operation. 'But, dear,' she says in dismay, '*Then* what if you don't get the promotion?'). You see, the career corps of SES is made up primarily of long-timers who have been in for 20 or 30 years. Given the employment pattern of that era, they are mostly white males. So the heat is on to hire women and minorities to alter drastically the statistics."

Lepers

The zeal of the affirmative action crusade has blended with the tactics of the earlier anti-discrimination movement to produce a mass of litigation—affecting small businesses, giant corporations and government—charging discrimination on one basis or another. Discrimination on the basis of sex is, next to age discrimination, the fastest growing charge; last year there were seven times as many such charges as in 1970. (During the same period charges of race discrimination rose by a multiple of four.) It is impossible to say how many of these cases have merit as opposed to those that are frivolous or vindictive. What is clear is that in government the litigation involved has an inhibiting and destructive effect on those managers who would like to devote their energies to trying to make their organizations work. It's not hard to see why....

In September, 1976, Dorothy Crook, the editor of a magazine published by the U.S. International Communication Agency, received a letter from a young woman employed as a GS-5 in another government agency, inquiring about the possibility of transferring to USICA at the same level but in an editorial capacity. The woman was a graduate of Barnard College as was Crook, who, as part of the Barnard women's network, was pleased to lend a helping hand. Although she had no openings on her staff, she had a chat with her young fellow alumna. Crook then called Robert Korengold, a colleague who edited another USICA magazine, and asked him whether he would talk to the woman. Korengold was reluctant, explaining that he had no openings either, but he agreed to see her as one of those things you do to oblige a colleague. In that spirit, Korengold spoke with the woman in what he considered a counseling session—how to break into magazine work—rather than a job interview. Near the end of their talk, Korengold mentioned that a GS-12 position that called for six years' experience would be opening in a few months, one for which he told her, according to his subsequent deposition, she was in no way qualified.

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Put yourself in Korengold's position for a moment. You have not called the woman into your office to destroy her hopes, but to be friendly. The last thing you want to tell her is "look, you're not good enough for this work." It is an embarrassing situation for most people, especially the soft-hearted ones—and a situation that usually produces a feverish mental search for an excuse that will allow you to turn someone down while leaving their self-esteem intact. Uncomfortably for those federal managers caught in this situation, the list of permissible excuses has shrunk considerably in the last two decades, and the one Korengold chose was a blunder: he added that since his professional staff consisted of ten women and only two men, he'd lean toward hiring a man for the sake of editorial balance.

Needless to say, the young woman then charged that she was rejected on the grounds of sex. She initiated litigation which, almost four and a half years after the original interview, is still going on. The file of court papers, now about six inches high, gives only a hint of the incredible number of hours that USICA officials and editors have put into documenting the information required by the attorneys for both sides. Understandably, agencies are apprehensive of becoming involved in such litigation—because of the stigma attached as well as the time consumed.

Official eagerness to steer clear of such headaches adds to the affirmative action pressures laid on federal managers, and to their proneness to treat as lepers any managers unfortunate enough to have a finger pointed at them....

One day in 1979, Bradley Jones, head of a small government chemistry lab, learned that his chief assistant was leaving for another job within a month. Jones began actively looking for a replacement. Among the many resumes from men and women that he reviewed, one that impressed him was from a woman we can call Elizabeth Bolton. He interviewed Bolton, who was then employed in a different agency, and he was satisfied that she was, indeed, his candidate. Jones put Bolton in for "clearance," a cumbersome process still required in so-called sensitive agencies and one that managers don't initiate without a definite intention to hire the applicant. After being cleared, Bolton came in to see Jones and informed him that she was pregnant but would like to take the job on a part-time basis. Jones told her he was sorry but that his need was for a full-time assistant and she'd have to take it on that basis if she wanted it.

Shortly afterward, Jones was notified that Bolton was bringing suit against him and his agency for violating the law by refusing to hire a pregnant woman. She claimed that contrary to Jones's version she would have taken the job full-time after a period of part-time employment. When he spoke to the Agency attorney about a defense against the charge, Jones received another jolt. The Agency, not wishing to get involved in a sex discrimination case, had arrived at a settlement with Bolton that involved a job offer (which she refused) and a payment of some money (the difference between her current salary and the larger salary she would have received as Jones's assistant). Further, the attorney told Jones, the Agency had agreed to prosecute the case against him, and he would do well to hire his own attorney. Facing dismissal or suspension without pay, Jones did hire a lawyer. There ensued a series of hearings conducted by the Equal Opportunity office of the Agency during which, Jones recalls with bitterness, his account of the interview was given no credence nor was he given any opportunity to confront his accuser. The upshot was that Jones received a reprimand which is now part of his record, and he was out of pocket $1,800 for legal expenses.

◆

You might expect Ronald Reagan to change all this. After all, he and his followers have never been advocates of affirmative action. Indeed, they do not even seem to understand the legitimate purpose behind it—the need to prevent those who have jobs to offer from slipping back into their comfortable networks of (mostly) white males, to make them reach beyond to find and develop the talent that is out there. So it is possible that the incoming administration not only will try to control the excesses of the program, but that in the process they will rip out its heart.

What is more likely, however, is that they will soon realize they can neither afford to antagonize an affirmative action lobby ready to pounce on any sign of Republican "insensitivity," nor arrest the enormous bureaucratic and judicial momentum behind the program. So they will content themselves with repeating conservative homilies, while those federal managers who care about their work will continue to be demoralized by a system that adds—to the already formidable obstacles to getting anything done in the government—the burden of trying to get it done with people chosen, not because they are the best, but because they can threaten a lawsuit or fill a quota. ■

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Memo of the Month

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Administration
Washington, D.C. 20230

December 15, 1980

MEMORANDUM FOR All Employees of the Department of Commerce

FROM: Elsa A. Porter
Assistant Secretary for Administration

SUBJECT: Changes in the Racial and National Origin Identifications of Federal Employees

Since 1974, data on the race and national origin of all Federal employees have been collected under the provisions of the Federal Personnel Manual (Chapter 713). This has been done through visual observation by your bureau's personnel officer, Equal Employment Opportunity Officer, your supervisor, or other designated bureau official. These data are then reported to the Office of Personnel Management (OPM) as input to the Central Personnel Data File. The data are used for reports to Congress (required by law) on the status of minorities in the Federal Civilian work force, and for special surveys to evaluate the effectiveness of Equal Employment Opportunity programs.

In May of 1978, the U.S. Department of Commerce began requiring that all Federal agencies which collect and maintain such data for any Federal program, use a common set of race and national origin definitions. Under the Equal Employment Opportunity and Affirmative Action Programs, the Office of Personnel Management and Equal Employment Opportunity Commission are requiring all Federal agencies to use the new codes and definitions in their employee data systems. To comply with this requirement, all bureaus of the Department will convert their current employee minority categories to the new set of categories shown in the chart below. For example, if you were perceived by your bureau through visual observation as Negro, your category was changed to "Black, not of Hispanic origin." These changes in categories will occur in January 1981.

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Previous Minority Category	New Race and National Origin Category
Employees in Guam or Hawaii	Employees in Guam or Hawaii
Negro	Black, not of Hispanic Origin
Spanish Surnamed	Hispanic
American Indian	American Indian or Alaskan Native
Aleut (In Alaska Only)	American Indian or Alaskan Native
Eskimo (In Alaska Only)	American Indian or Alaskan Native
Oriental	Asian or Pacific Islander
None of these	White, not of Hispanic Origin
Not Hispanic (in Puerto Rico)	Not Hispanic (in Puerto Rico)

These are the only categories which can be used to identify Federal civilian employees. For the first time, employees who have origins in the Indian subcontinent will be coded as "Asian or Pacific Islander." Since such employees were not previously specifically identified, in the conversion process their group may have changed to some category other than "Asian or Pacific Islander." If your origins are in the Indian Subcontinent, you are urged to identify yourself to your bureau as being "Asian or Pacific Islander," or the designation with which you most closely identify yourself.

As a Federal employee, you have the right to know the race or national origin category under which you will be coded beginning January 1, 1981. In most cases, that will be clear from the chart above. If you have any questions, or are concerned that the above conversion process will not properly represent your correct racial and national origin designation, you should contact your servicing personnel office or civil rights office for information on the category under which you are coded. Those offices can also inform you of the procedure for changing that code if you believe a change is necessary to more accurately identify your racial/ethnic category.

I want to thank you in advance for your cooperation and assistance in making the Department's race and national origin data as accurate and reliable as possible.

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Who's Who in the Administration

A hundred years from now, people will probably look back on **Alan Campbell**, who engineered Carter's civil service reform, as the man who took the first step on a thousand-mile journey. The problem is that Campbell's press agents would like us to think he traveled the first hundred miles. They managed to stir up a flurry of news stories and editorials recently, whose gist was that Carter's achievement would dramatically increase Ronald Reagan's power to gain control over Washington's permanent government. *The New York Times*, in an editorial entitled "One Important Promise Kept," praised Campbell and Carter, noting that "dismissals of Federal workers for poor performance have risen by 15 percent." *The Washington Post*'s front page story, headlined "Reagan Has Power to Remold Bureaucracy," began like this: "Thanks to Jimmy Carter's civil service overhaul Ronald Reagan will have....the chance to reach considerably deeper than Carter or any modern predecessor could into the executive departments' organization charts and to replace many career bureaucrats with people committed to the new administration's programs."

In fact, Carter's reforms were incremental, in the millimeter range. Firing, for example, is now slightly —very slightly—easier than before, which means it is still virtually impossible. That 15 percent increase cited by the *Times* is 15 percent of the *one-seventh of one percent* of all civil service employees who were fired for incompetence in the average years preceding the reform. As for Reagan's ability to "replace" bureacrats with his own men, it is true that he can fire the "non-career" members of the Senior Executive Service. But by law 90 percent of the Senior Executives are "career," not "non-career"—they cannot be fired, and while Reagan officials can transfer them from job-to-job against their wishes (though not, contrary to the *Post*'s report, to jobs outside their agencies) they must usually be replaced by *other* SES members or civil servants. This is roughly like telling the new manager of a losing baseball team, say the Mets, that he can move Marv Throneberry to the outfield as long as he replaces him with one of the other Throneberries on the current roster... You probably laughed when we speculated ["Zbig for Life," June] that a recent Supreme Court decision might allow even the few thousand political appointees who Reagan can replace to sue and get their jobs back. Well, Mahlon M. DeLong, a former State Director for the Farmer's Home Administration, has now successfully done just that... Why didn't you listen to us, Zbig, when there was still time?... If you thought, four years ago, that Carter's would be a populist administration, filled with men who would go back to Oklahoma, or wherever, after serving their tour of duty, glance at this month's "Out" column and see how wrong you were...

In

Health and Human Services

Administrator, Health Resources Administration—**Karen Davis** has been deputy assistant secretary of HHS for health planning and evaluation.

Treasury

Acting Commissioner, Internal Revenue Service—**William E. Williams** has been deputy commissioner.

Out

White House

Counsel to the President—**Lloyd Cutler** has rejoined the law firm of Wilmer and Pickering, although he will continue to advise President Carter as an unpaid consultant until January 20.

Assistant U.S. Trade Representative—**John C. L. Donaldson** has joined the Washington public relations firm of Hill & Knowlton.

Health and Human Services

Deputy Assistant Secretary for Income Security Policy—**Michael C. Barth** has joined the consulting firm of ICF, Inc.

Justice

Associate Attorney General—**John Shenefield** will join the Washington office of the New York law firm of Millbank, Tweed, Hadley & McCloy.

Treasury

Counselor to the Secretary—**Peter J. Solomon** has joined the New York investment firm of Lehman Brothers, Kuhn, Loeb, Inc.

Assistant Secretary for Domestic Finance—**Roger C. Altman** will also join the Lehman Brothers firm.

Agencies and Commissions

Federal Energy Regulatory Commission

Chairman—**Charles B. Curtis,** whose term as a commissioner would have expired in 1983, has joined the Washington law firm of Van Ness, Feldman and Sutcliffe.

Federal Home Loan Bank Board

Chairman—**Jay Janis** has resigned.

Office of Personnel Management

Director—**Alan K. Campbell** is executive vice president for management and public affairs of ARA Services, Inc., a Philadelphia food service and vending machine firm.

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The 10-to-3 Ethic

Why There's No Labor at the Department of Labor

by Barbara Palmer

A lot of Washington reporters get their tips over lunch, but I got this one over dinner. The dinner was with a friend who is a lawyer at the Department of Labor. At a sudden loss for more entertaining conversation, I asked him how his work was going. He replied that he'd just finished a day-long training program for DOL managers on how to implement a new collective bargaining agreement the Department had signed with its employees. Quite a progressive contract, he added. It mandated "flexitime," a new federal program that allowed employees, within limits, to set their own hours. Then there were the child care provisions, allowing up to two years' leave after pregnancy. The contract even gave employees the *right* to play radios or tape decks at their desks.

This sounded like a lead with possibilities. I knew that the Department of Labor is to federal employee trends what California is supposed to be for everything else—the place where things happen first. I remembered being told that Labor had been the first cabinet department to sign a collective bargaining agreement with its union back in the early 60s. Now, almost every government agency, and over half the government work force, was covered by such agreements. Another innovation at Labor might diffuse quickly throughout the government, particularly in light of the recent civil service reform law, which had formalized and strengthened the role of government unions.

I could even see a couple of angles, in addition to the basic Instant Trend approach, that I might spin off from this story. There was the Women's Issue—maybe *Ms.* or one of its imitators would go for that—or the March of Labor angle (*The Nation*?). On the other hand, frankly, it also smelled as if I might have a good, quick, Government Waste story on my hands. These days I could sell that one almost anywhere.

So it was with a mixture of curiosity and greed, the next day, that I called up Local 12 of the American Federation of Government Employees and asked if I could come pick up a copy of the contract. A babble of voices cluttered the background as I was told a copy would be left at the receptionist's desk. Local 12, it turned out, was used to these calls, having already answered the requests of dozens of government employee unions across the country eager to negotiate similar agreements.

Flexing Their Time

The Frances Perkins Building, the Department of Labor's headquarters, is a modern concrete and glass facility sprawling over U.S.

Barbara Palmer is a Washington writer.

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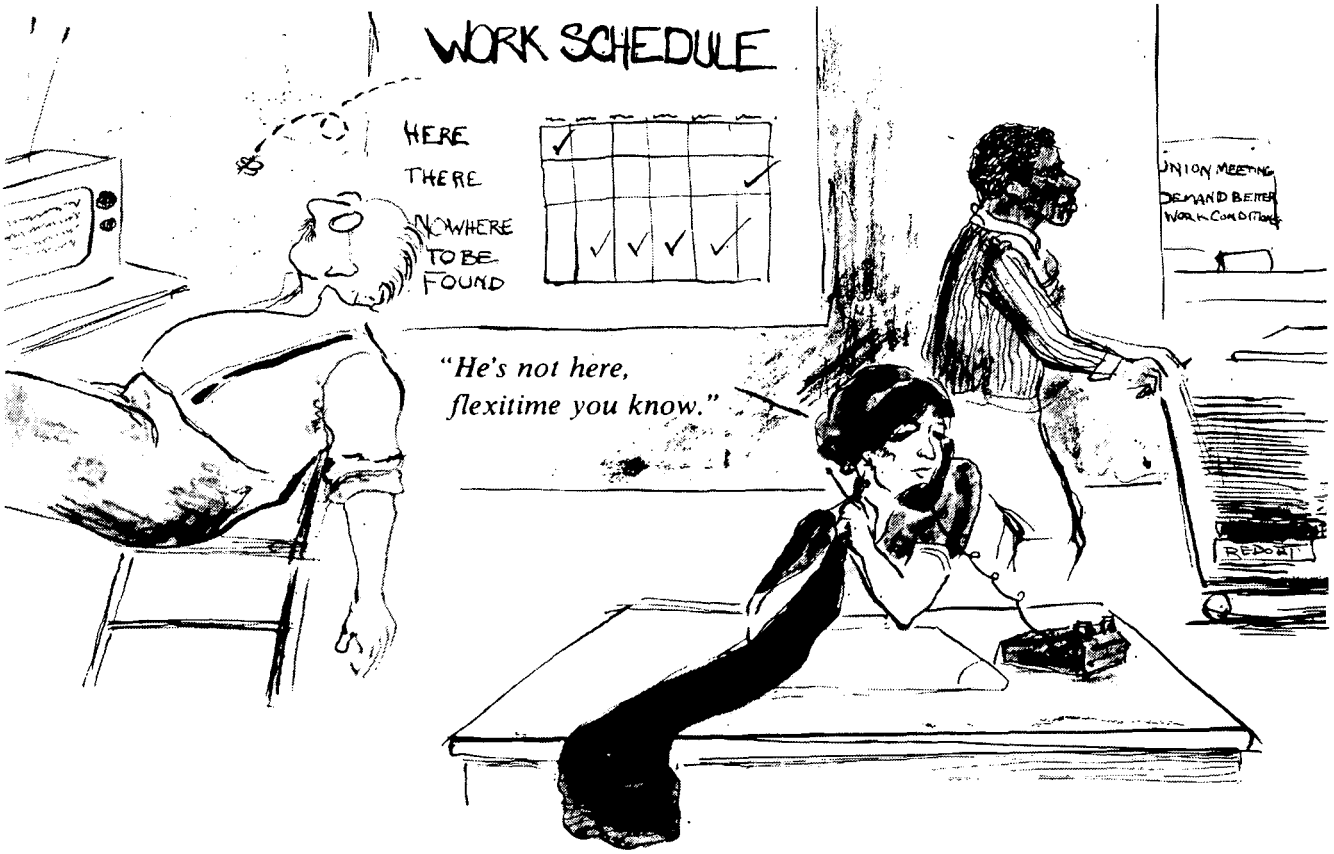

"He's not here, flexitime you know."

95 as it dead-ends in central Washington. The grid-like cubicles of the building's facade do little to lift the spirits, and most of the offices inside its vast seven stories have no access to natural light—though I'm told an early problem with carbon monoxide fumes seeping into the lower floors from the highway below has been solved.

The front of Perkins is dominated by a vast empty ceremonial hall. Two uniformed guards stood watch near the center, chatting. I asked one of them how to find Local 12's office in "North 4408." He thrust a DOL directory at me and, without interrupting his conversation with his partner, gestured toward a telephone.

The upper floors of Labor proved to be a maze of hallways apparently designed to avoid the endless-corridor look of earlier federal buildings rather than to help me find the room I was looking for. A robot mail cart, programmed to know its way around, hummed into the corridor and stopped near a door, bleeping. Other Labor employees, humans, wheeled other piles of documents around the corners, joking and exchanging pleasantries. In general the atmosphere seemed relaxed. At one desk, a woman was doing her knitting, while in another office a secretary seemed engrossed in her novel. Farther along I noticed another woman, padding toward her office in a pair of fuzzy bedroom slippers.

I wandered deeper into the maze, pausing every few yards to check the little signs that told me whether I was approaching North 4408.

"THUMPA, THUMPA, THUMPA...ANOTHER ONE BITES THE DUST...."

I glanced in the direction of the music, but all I could see was a reception area and the corner of a desk. In a nearby office, all of the five or six desks had apparently been left unoccupied. As I passed, a phone was ringing.

The contract proved to be an intimidating document 160 pages thick, titled "American Federation of Government Employees Local No. 12, AFL-CIO and United States Department of Labor, Collective Bargaining Agreement." (I would later learn that negotiations had actually broken down at one point over whose name would go first, the agency's or the union's.) I skimmed through the table of contents and noted the chapter headings: "Employees Rights"... "Employee Assistance Programs"... "Receipt of Pay," and a short section labeled "Management Rights." On the last page was a list of the 14 representatives of the union and the 11 representatives of the Department who had negotiated the agreement.

Instead of wading through the text, I decided to save some time by calling the participants directly. It was 2 P.M.—a good hour, I thought,

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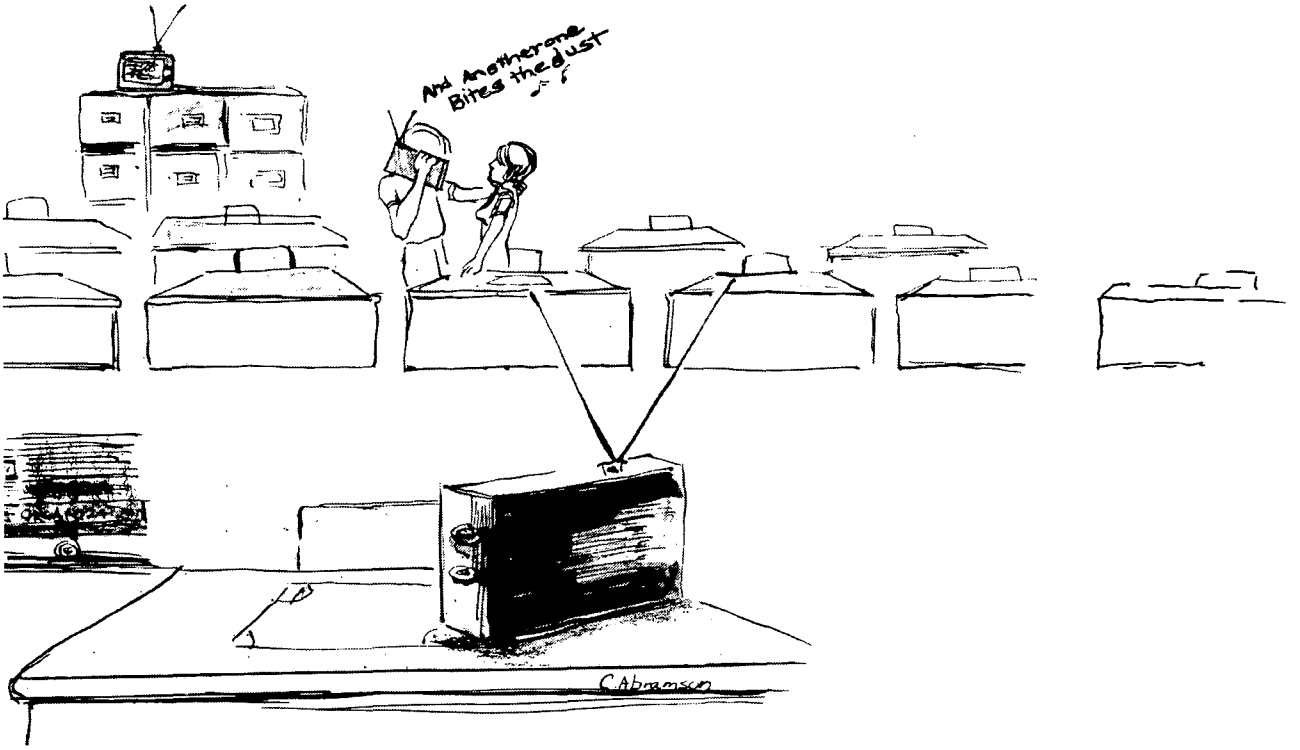

to catch people in their offices. I picked a name from the top of the union list, one Jeffrey Salzman, and dialed the number listed for him in the DOL directory.

"Hello, is Mr. Salzman in?"

"He's not here," came the curt reply.

"Do you know when he'll be back?"

"No."

"Is he expected back at all today?"

"I really don't know."

Next on the list was Doris Thomas, third vice president of the union, according to the contract. I dialed her office in the Bureau of Labor Statistics.

"Is Ms. Thomas in?"

"No, I don't know where Doris is."

"Do you know when she'll be back?"

"No, she didn't say where she was going when she left."

"Can I leave a message?"

"I guess so."

Third was Charles Wood. "Yes, this is his office," the reply came, "but he's usually not here. He spends most of his time over at the union office."

After the fourth name, I was beginning to get worried. This story might turn out to be harder than I thought. By the time the ninth person on the list was also out of her office ("No, I don't have any idea when she'll be back") I was getting desperate. I dialed number ten, a Mr. Paul Gifford.

Luckily, Gifford was in, and more than happy to talk about the contract.

Soaps

I asked first about "flexitime." Gifford explained that limited experiments in "alternative work schedules" were going on in various government agencies, but that Labor's contract was the first to ensure that all the employees in the "bargaining unit" who weren't already participating in an experiment would be covered by one of several flexitime plans. These ranged from a slight variation on the traditional work week to the most liberal plan, known as "maxiflex." In maxiflex, an employee's 40 hours of work can be concentrated into four days between 6 A.M. and 8 P.M., as the employee sees fit—providing he is present during the "core hours" (10 A.M. to 3 P.M.) of the "core days" (usually Tuesday, Wednesday, and Thursday). Gifford explained: "Maxiflex means that if I get up on a Friday morning and it's an absolutely gorgeous day out, I can say, 'Gee, I'd rather go biking along the C & O Canal than go to work,' and I don't have to bother calling anyone to say I'm not coming in."

Gifford also cleared up some confusion I had

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over the provision of the contract relating to maternity leave, which reads:

"Child Care Leave: An employee may be granted any combination of annual leave or leave without pay, for a period up to two years for the purposes of pregnancy, or for assisting or caring for the minor children of the employee or the mother of a male employee's newborn child while the mother is incapacitated for maternity reasons."

I told Gifford the syntax of the paragraph struck me as odd. He explained that this was because the provision had been written to apply to fathers as well as mothers, and—in a concession management had initially resisted—to unwed fathers as well as unwed mothers. What the clause means, he said, is that any employee who has a child and takes "child care leave" is guaranteed either his old job or a comparable one when he returns, up to two years later. The union, Gifford said, had originally asked for five years.

Finally, there was this paragraph:

"Use of Personal Audio Devices: Employees have the right to play radios, cassettes, etc. on the worksite so long as the use does not disturb the productivity of the employee or other employees within the worksite and does not distract clientele."

I asked Gifford what the "etc." meant.

"It means televisions."

Indeed, said Gifford, the union interpreted the contract to include TVs under "audio devices." On this issue there seemed to have been some tactical debate within the union negotiating team. I was filled in on the point later by Wayne Lauderdale, another union negotiator: "Our biggest problem was whether to include televisions because a lot of clerical people are into soap operas. Originally, the word "television" was in there, but it didn't cost us anything to strike it because it was covered anyway under 'etc.'"

Otherwise, said Lauderdale, "this provision was no big deal because all it did was affirm a practice that has been fairly widespread in the department for a long time." He added that those who don't have televisions can listen to soap operas on a radio station that picks up television frequencies.

Mushier and Mushier

Now I was getting somewhere. I decided it was time to check out management's view of all this. So I put in a call to Robert Hastings, the director of the Office of Labor-Management Relations within the department.

"Is Mr. Hastings in?"

"No, he isn't."

"Do you expect him today?"

"I'm not sure."

I tried Hastings again the next day, and again the next. He wasn't in, so I left messages. The third day, when he hadn't returned my calls, I asked the receptionist whether he might be on leave, or sick perhaps?

"I'm not sure whether he's on leave or traveling," she said. "Mr. Hastings does travel a lot. But I'll give him your message when he comes in." She suggested that in the meantime I talk to Isaac Cole, another of the management negotiators.

I reached Cole at his office. Tipping my hand somewhat, I asked him whether management hadn't found a few of the union's demands unreasonable. Cole got angry. "I didn't find any of the union's demands unrealistic," he snapped. "I assumed they were all made in good faith.... It's a good contract. Management wouldn't have signed it unless we thought it was a good contract." Cole added, "I don't accept the premise that there has to be an adversarial relationship between management and the union." When I pressed him on this point, however, he hung up.

In fact, I learned later the Department of Labor has historically been one organization where the traditional adversary relationship between unions and management has been successfully tempered, after a fashion. It wouldn't look good, after all, for the Labor Department itself to have a rancorous labor dispute. So when collective bargaining in the federal sector was officially recognized by executive order in 1962, Labor Secretary Arthur Goldberg made it a point of personal pride that his department would be the first to sign an agreement. To achieve this goal, the story goes, he directed the Department's negotiating team to make whatever concessions were necessary to the union. "Those of us who were at all familiar with collective bargaining agreements in the private sector were appalled with that agreement," recalls Leonard Nichols, a department veteran who was a member of the current management negotiating team. "We really gave them the store. And once we had a soft agreement to start with, it just kept getting mushier and mushier."

The natural tendency of many Labor managers to sympathize with their union extended into the most recent contract talks last April. Ben Segal, one of the negotiators for the Department, is also a dues-paying member of the union he was negotiating against (although as a special

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assistant to an assistant secretary he is too far up the management ladder to benefit directly from the contract). "We recognize the union, accept the union, and want it to be more effective," Segal told me. "We in the Labor Department are, in effect, preaching to employers about fair practices and labor-management relations, and I think that gives us an obligation to practice what we preach."

The economist who leaves at 3:00 is no longer branded a shirker. He's simply assumed to be flexing his time. Surely he worked late last night. Or was it last week?. . . .

If American management emulated Labor's negotiating techniques, however, there might not be much left for them to negotiate. Many of the Department's negotiators during the latest contract talks had no previous experience with collective bargaining on either the union or management side, while others were drafted as negotiators at the last minute and had little time to familiarize themselves with the issues. Nichols recalls that he'd just returned from a two-week vacation and "barely had sat down in my chair before they told me to get over to the Georgetown Inn," where the negotiations dragged on for several weeks at government expense. "You kind of got suckered into being an instant expert on something you'd never heard of before," conceded Gilbert Lockwood, another member of the management team.

"That whole issue of flexitime was so darned complicated," added Nichols, "that at one point we were offering them something much more generous than they were asking for."

Across the table, on the other hand, the union negotiators knew what they wanted and were seemingly less concerned with setting an example of non-adversarial behavior. "We behaved like a union—self-interested," says Jeffrey Salzman of his union's approach. "And we achieved accordingly."

"Not My Job"

Just how much they achieved will only become evident over the next few years, but a first impression can be gleaned by looking at the fine print in the contract. There are, as expected, provisions that go beyond the civil service laws in making it harder to fire or otherwise discipline a non-performing employee. If a supervisor wants a statistician to hit his calculator a little more often and accurately, for example, he must think twice before simply sidling up to the accountant's desk and saying so. According to the new contract, if the supervisor later attempts to suspend, demote, or fire the employee, such "oral counselings, warnings, reprimands or admonishments" may not be used as evidence at the required disciplinary hearing. Only warnings in written memo form count.

If the supervisor, daunted by the task of building a paper record against his no-account accountant, decides to use the time-honored technique of transferring him to an open slot in Spokane or Dubuque, he again runs afoul of the contract. Under the new scheme, if an employee doesn't accept a transfer, the Department has to try to find him another job in Labor's Washington, D.C. offices—and provide the training necessary in case the employee isn't qualified for the new position.

Another chapter of the contract seems destined to frustrate the federal government's recent well-publicized attempt to curtail the automatic annual dispensation of "step increases" in pay to federal workers. Under the DOL contract, a supervisor must notify an employee, in writing, 100 days before the employee is due for his increase, that he has fallen below an "acceptable level of competence." If the supervisor meets this procedural hurdle, and later blocks the increase, the employee may file a grievance. All this might seem to introduce a degree of undesirable adversariness to the simple act of denying a raise—except that few supervisors, after reading the relevant portions of the contract, can be expected to make the attempt.

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Other provisions, which appear blandly innocuous, assume more meaning when they are explained by Local 12 officers. There is, for example, a clause entitled "work plans," which says that "employees have the right to propose new and innovative ways to carry out the mission or function of the department...[and] when feasible the Department will implement the plan. If an employee's plan is rejected, the Department will inform the employee, in writing, as to why it was rejected."

Sounds like nothing more than an official tribute to the suggestion box. But here was how union negotiator Gifford illustrated its importance:

"Suppose you're an investigator in the Bureau of International Labor Affairs and your job is to go out and examine the records of shoe companies or electronics firms to see how foreign imports are affecting their business. But you're also going to law school at night, and the traveling is interfering with your classes.

"Under the work plan provision, you could decide that it's unnecessary to go out in the field because you could really do the whole thing by phone and mail. You could just send forms to the company to fill out and analyze them back in Washington. It might even save the government money."

"But what if you send out these forms," I asked, "and the companies send back false information that suits their own interests?"

"Well, management would have the right to bring up that point in its written explanation of why your suggestion isn't feasible." Gifford added that, of course, the union could disagree with management's explanation, and maybe even take the matter to arbitration.

In some respects, the contract is already more generous in practice than it appears on paper. For example, the agreement requires that 60 percent of the 6,000 employees in the "bargaining unit" be offered one of the two most liberal forms of flexitime. In reality, the percentage has worked out to be much higher because supervisors, hoping to reduce the adminstrative problems involved in operating under several different schemes, have simply granted everyone the most generous plan.

(I learned of another practical benefit of the contract when I was discussing flexitime with Charles Wood in his union office. We were interrupted repeatedly by phone calls Wood received concerning a catering business he runs during his lunch breaks and after-work hours. Flexitime, he said, makes it a lot easier for Labor employees like himself to hold down a second job.)

Then there was the case, volunteered by Gifford, of a DOL worker who was threatened with "disciplinary action" recently because timekeeping records showed that he was five hours short of the 80 hours required each pay period. With the help of the union, the employee combed the contract and found an obscure provision saying that if the department is late in issuing your paycheck, you can't be punished for missing work in order to straighten out any financial problems caused by the delay. The threatened disciplinary action was dropped after the employee claimed he'd had to spend five hours at his bank because the department had been late in depositing his check under an automatic deposit program.

Gifford conceded that a reasonable person would be hard-pressed to believe such an excuse. But, he added, "It's not my job to question other employees' actions."

Vague Inputs

That attitude seems to be the problem with Labor's path-breaking agreement. On paper, many of its provisions look sensible enough—unusual, to be sure, but phrased in language that truly cooperative union and management teams might be expected to arrive at. Most of the rights it grants employees are followed by reasonable-sounding qualifications: Employees can play their radios "so long as the use does not disturb the productivity of the employee." They can choose their own hours, but their bosses can set "coverage requirements" to assure, for example, that there are enough people to answer the phones at all times. They can work a 30-hour week, but only if they have built up a ten-hour credit by working overtime the previous week. These are the sorts of innovations that might work in an environment where both managers and workers are motivated by a goal of performance—like producing a good product—or are afraid of the consequences of not performing—like getting fired, or going out of business.

Unfortunately, it is precisely this shared motivation to perform that is so notably absent from the federal government, and that, in my conversations, seemed particularly absent from the Department of Labor. The contract's talk of productivity, after all, takes place within the context of a civil service system in which productivity is rarely measured, and mediocre performance rarely punished on either an individual or collective level. If a secretary at Labor is chronically rude to incoming callers, or chooses to keep track of "Another World"

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instead of her boss's schedule, will she be fired? Not if the civil service laws and Local 12 have anything to say about it. Even if none of the 6,000 employees at Labor does his job very effectively, the Department is not about to go bankrupt, or get put out of business by Japanese competition.

Historically, in this system, about the only assurance of the government's *output* has been the federal work ethic's fairly rigid control over *input*. Nine-to-five was the substance of this ethic, and "I'm giving you my 40 hours" its creed. So even if a civil servant was rarely motivated to stay *beyond* five o'clock to finish a job, he would be censured if he left at 4:00. Similarly he might be discouraged from ostentatiously watching television or reading the sports section for long stretches of the day. To be sure, an employee who arrived punctually at 8:45, never left before 5:01, and ate lunch at his desk might still not get much done. But the subtle peer pressures that required a show of industry were one guarantee that at least *some* business would be transacted during the working day.

Now even these assurances are gone. The economist who leaves work at 3:00 is not branded a shirker: he is simply assumed to be flexing his time. Surely he stayed late the night before—or was it last week? There is no way to make sure, of course, because there never were any clear controls over his output. (Could he have really produced that cost-benefit analysis any faster?) Now there aren't many controls over his input either.

In this atmosphere, is there any assurance that the employee who claims ten hours of work "credit" actually did ten hours' worth of extra work? Will employees care enough about their performance to make sure that "coverage requirements" are met before they decide to go biking along the C & O Canal? Will they be upset when they can't obtain a critical fact because the last "core hour" of the week (Thursday, from 2 to 3) is also the lunch hour of the clerk who knows the fact? Or will they let the matter slide till Monday—or make that Tuesday?

In the cramped Labor offices, where desks are clustered together behind temporary partitions, will workers be quick to point out when a radio is "disturbing their productivity"? Or will radios become another battleground between a supervisor and an accountant who cannot for all practical purposes be fired even if he seems to prefer disco to LIFO or FIFO.

After spending a few days in the Frances Perkins Building, I think I can guess what the answers will be. But they will be difficult to prove. One reason the Department of Labor was willing to sign the agreement, according to management negotiator Lockwood, was that "Basically there aren't any tangible costs"—no actual wage increases, or budget-breaking fringe benefits. Intangible costs, on the other hand, are not so easy to spot, particularly in an organization like the Department of Labor that produces an intangible product. (Theoretically, at least the flexitime portion of Labor's experiment is being evaluated by the federal Office of Personnel Management, which is scheduled to announce its findings in 1982. But OPM's effort is already bogged down in disputes over whether its evaluation plan will actually measure anything worth measuring. The General Accounting Office, for example, has pointed out that OPM has no plans to ask the public if the services provided by the government offices using "flexitime" have improved or deteriorated.)

This is why it is quite likely that the "advances" embodied in the Department of Labor contract will quickly spread to other agencies, as the American Federation of Government Employees is already urging. Barring hard numbers proving either an increase or decrease in productivity, the basic ratchet-rule of collective bargaining can be expected to take hold. As AFGE's director of labor-management services, John Mulholland, put it, "Once one agency gets a new package of benefits, it doesn't take long for the rest to catch up."

Next, "Flexifinish"

I was fast approaching my deadline, but I thought I would give Mr. Hastings one last try. A dozen previous calls over two weeks had produced no response, and only one indication of Hastings's actual presence in the National Capital area (he had been "in a meeting"). I dialed.

"Mr. Hastings isn't in right now."

"Is Mr. Hastings *ever* in?"

"I'm sorry, but he's always in a meeting or out of the office. That's what he does all day."

I thought of Mr. Hastings a few days later when I read a report in *The Washington Star*, which said that the U.S. Office of Personnel Management was considering a new experiment in "alternative work scheduling." This experiment, I read, will go one step beyond "flexitime." It is called "flexiplace." Under it, a federal employee, if he can perform his work at home, would not have to show up at the office at all.

Actually, I had heard this idea before, from Paul Gifford, when he was discussing the demands the union had left to raise at the next round of contract talks. "I could see," he had said enthusiastically, "where this contract could be improved...." ■

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"UNITED 474 HEAVY, YOU ARE CLEARED FOR FINAL APPROACH. BY THE WAY, THEY TELL ME IT'S SNOWING HEAVILY OVER THE FIELD."

An Indianapolis man was hired recently by the FAA as an air-traffic controller. He had done well on the aptitude test. But he soon flunked the physical. It turned out he had 8/900 vision—almost blind.

The Merit Systems Protection Board ordered the FAA to retain the man and proceed with his training anyway. The board ruled that he fell into the category of "qualified handicapped."

We Have a Slot for a Deputy Assistant Madam

Women in Energy, a newsletter of the Department of Energy's Federal Women's Program, offers this headline in its most recent issue: "Professional Careers in Procurement for Women. Opportunities and Promotions a Reality at Headquarters."

Tidbits & Outrages

Frosch, who is quitting NASA to take a science foundation job, was also heard to comment, "They may not be able to bail out, but I sure can."

In Gregg Easterbrook's article last April on the space shuttle, we reported that the ejector-seat system designed to get astronauts out of the spaceship in an emergency would be practically useless. So, we predicted, the ejector seats would be removed, and people on board the shuttle would just have to take their chances.

We were right, but apparently for the wrong reasons. We thought the ejector seats would be eliminated for technical reasons involving the nature of rocket flight. Mike Toner of the Knight-Ridder newspapers has discovered that in reality, they will be eliminated as a matter of protocol:

"Bailing out of a trouble-stricken shuttle would necessarily be an undemocratic affair. Regular flights will carry up to seven people. Ejection would be possible only for those sitting on the flight deck—ordinarily the commander and the pilot.

"'It would be poor taste to fly with two ejection seats for, say, four people,' says NASA Administrator Robert Frosch."

Maybe the ABA Was Right About Letting Lawyers Advertise....

Are you a blind air traffic controller? A teacher who phones in bomb threats against his school? (See *Tilting*, page 9). A female sperm donor? Then the man you want to see is Sheldon I. Cohen, as evidenced by this ad, which recently appeared in *The Washington Post*:

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I Want a Girl/Just Like The Actress Portraying a Wet Nurse/Who Married Dear Old Dad

The Maine Human Rights Commission had just issued a booklet of employee regulations which explains what distinctions based on sex will be legally permissible. In the matter of occupational qualification, it recognizes two situations in which sexual distinctions would be justified: "(A), where it is necessary for authenticity or genuineness, e.g., an actor or actress. (B), where the biological functions of a particular sex are crucial to the performance of the job, e.g., a wet nurse or sperm donor."

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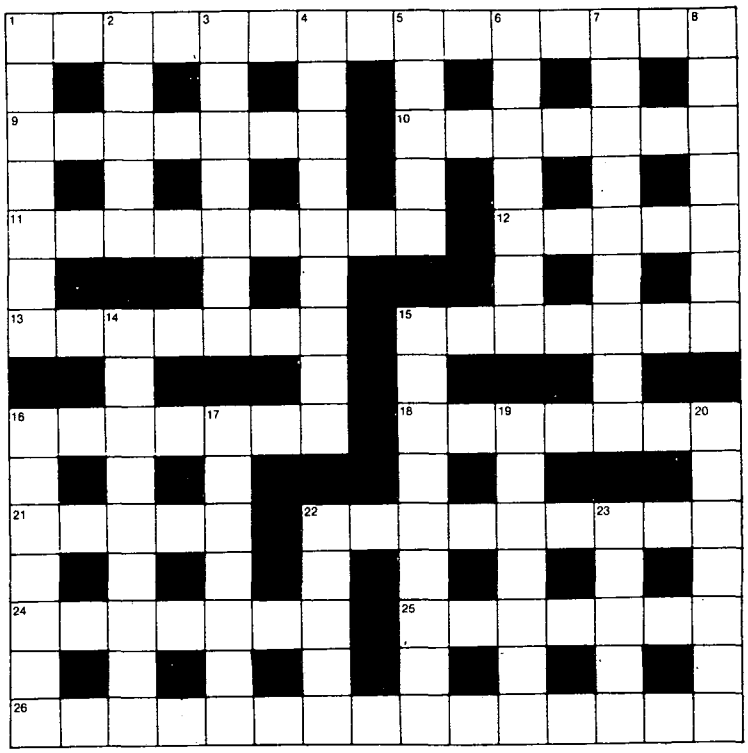
the political puzzle

by John Barclay



The numbers indicate the number of letters and words, e.g., (2,3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word.

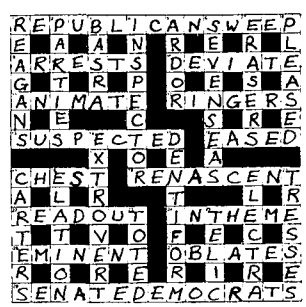
ACROSS

1. Presidencies somehow train man's idiots. (15)
9. Flexible and it claps wildly. (7)
10. Enhances seed around fenced area. (7)
11. Use nine riots for filler. (9)
12. Look for water in shadow series. (5)
13. Reels up strangely to beat back. (7)
15. Odd present for a snake. (7)
16. Learning place breeds cell ego. (7)
18. Recurring falls. (7)
21. Make vet do what others did in November. (5)
22. Gay gopher made study of surroundings. (9)
24. Cards again confused CBS more. (7)
25. Pitched its tent in Poland. (7)
26. Insurance investments or current Washington vacancies? (6,9)

DOWN

1. One fastener fixed per pail. (7)
2. What wherewithal signifies? (5)
3. It comes easy to take sun up above a river. (7)
4. Disrespect bizarrely graces Eli. (9)
5. Sculptor bends iron around 500. (5)
6. One who steps over deer art. (7)
7. Defeat one whom lever moved. (9)
8. Imagine Cups set upset. (7)
14. Long Island goes in Capitol awkwardly for this puzzle. (9)
15. Ocean mount's creatures? (9)
16. Hide pushover in bowl. (5,2)
17. Native dicemen running around. (7)
19. Most cutting cigarette standard. (7)
20. Adages about gay sins. (7)
22. Airlift to get car ready for trip? (3, 2)
23. Barbecue place in anticipation. (5)

Answers to last month's puzzle:



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ANOTHER A-BOMB COVER-UP

by Raymond E. Brim and Patricia Condon

It's hard to pick up a newspaper today without reading something about the radioactive havoc caused by the open-air nuclear tests of the 1950s. The stories are shocking and depressing. But at least, you probably think the danger ended 'way back then. In 1963, nuclear testing went underground, and fallout was said to be eliminated.

Guess again. "Safe" underground tests regularly leak, spraying deadly radiation into the air. Things are not as bad as they were in the 1950s, since not every test leaks—but the government continues to take unnecessary, avoidable risks because of its sloppy management of fallout. Americans were exposed to dangerous levels of radiation from "safe" underground tests all through the 1960s and 1970s, and remain in danger today. As recently as September 25, an underground nuclear test in Nevada broke through the earth and scattered its radiation to the winds.

Just as the risk of fallout continues, so does the conscious government effort to cover up the situation. Department of Energy officials fully understand that underground testing can't fully contain radiation, yet downplay the information or even withhold it from the public. Exactly as they did in the 1950s, officials refuse to reveal information necessary for those who live near radiation accidents to protect themselves. When the test leaked in September, news of the event was not released for two days—long after the damage had been done.

Raymond E. Brim is a retired Air Force colonel. Until 1975, he was assigned to the Pentagon office which collected data on radiation escaping from underground nuclear tests. Patricia Condon is a Utah writer.

Out of Sight

Unnecessary cover-ups are a recurring theme in nuclear testing, dating to the very beginning of the program.The first atomic bomb was exploded in open air in New Mexico in 1945. As soon as the war ended, testing was moved to the Bikini Islands in the Pacific, where most radiation would not reach the United States. There can be no doubt that officials were fully aware of the dangers posed by fallout. Pilotless planes sent through an atomic cloud from testing on Eniwetok Atoll in 1948 were washed down with water and chemicals for hours to try to cleanse them of radioactivity. Later, when they were flown by pilots to Hawaii, they were parked in a remote corner of the airfield to avoid exposing people in the terminals. By this time, the crews of the planes had to be washed down, too.

Yet even though the risks were known, testing was moved back to the mainland in 1951. The move was said to be for reasons of security and economy. Supposedly, there would be no danger

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to anyone outside the immediate vicinity of a blast—even though U.S. monitoring of the first Russian A-bomb tests showed that fallout can be carried hundreds or even thousands of miles from its place of origin.

The stories from those days are all too familiar. When blasts occurred, people in Nevada and Utah were never warned of any danger, or instructed to take rudimentary precautions such as staying inside during the fireball. (The most deadly forms of radiation are present only immediately after a blast.) One man, Elbert Pickett of St. George, Utah, lost his wife and nine other family members to leukemia—without radiation, a statistical impossibility. One single test in 1953 exposed people in Utah and Nevada to 1,000 millirems per hour of radiation, a dose up to 500 times higher than that which triggered the evacuation of children and pregnant women from around Three Mile Island.

A few scientists tried to blow the whistle, publicizing their objective findings of radiation in vegetation, milk, and the air. They were discredited and at times ridiculed by Atomic Energy Commission officials—officials who knew full well that the claims were true.

As political pressure against the lethal open-air tests grew, President Kennedy persuaded all the nuclear nations except France and China to sign the Test Ban Treaty, which moved the explosions underground. Obviously, this was a tremendous improvement. But it was not, as Washington officials still claim, a solution to the problem.

Today it seems incredible that straight-faced government spokesmen could proclaim that standing downwind of an open-air nuclear explosion was perfectly safe. It seems equally incredible that people believed the claims. Yet that twin mentality continues to operate, with Washington making what will, in years to come, be considered preposterous claims about the safety of underground tests, and most people nodding their heads in agreement.

The continuing problem of underground testing is that leaks—called "ventings" in nuclear parlance—frequently occur during the explosion. In an underground test, the bomb is buried about 2,000 feet down at the bottom of a vertical shaft, or at the end of a horizontal tunnel. The millions of tons of earth surrounding the device are supposed to be sufficient to contain even the force of thermonuclear explosion. If the blast is held in place, radiation is absorbed by the surrounding earth. The spot of the blast becomes "hot," but since it is isolated from the air, it doesn't matter.

But often, the force of the explosion blows part of the covering earth away, especially the cap placed directly over the bomb. This creates a sort of chimney, out of which spew dirt and rocks and debris, all intensely radioactive. The bomb's expanding mass heads up, seeking the lower pressure of the sky, and carrying radiation with it. Ventings have happened as late as two days after the detonation, when a shift in the earth allowed pent-up pressure to escape.

Because material from an underground nuclear blast roars out of a vent with such a vengeance, it can be blown high up into the atmosphere. There, winds can carry it across the continent. Recognizing from the beginning that supposedly safe underground tests might do this, officials decided to detonate bombs in Nevada only when the wind was blowing north. That way, escaping fallout would not be carried south towards Las Vegas.

This "precaution," however, applies only to surface winds. Vented fallout is carried northward by surface winds until it rises high enough to meet the prevailing winds, which generally blow from west to east. No part of the country is secure. Radiation does not respect state borders.

Fallout from ventings was detected in the 1960s and 1970s over Nebraska and Iowa, in California and Idaho, over several East Coast states, and at least once in eastern Canada. On some occasions, it headed off across the Atlantic.

The monitoring of vented radiation tells much about the government's attitude toward nuclear risks. Whenever an underground test takes place, the Air force, Public Health Service and some privately contracted planes are standing by to travel alongside the escaped fallout cloud and track its movements. The existence of the planes is proof enough that the government expects accidents. The planes can't do much if the weather doesn't cooperate. On April 21, 1970, an underground blast named Snubber vented. Its fallout cloud was tracked about 90 miles, until it intersected a storm. There, the planes lost contact with the cloud. Officials then projected that the cloud would change direction because of the storm, and head toward southwest Utah and the Grand Canyon. But the projection served little purpose because no announcement was made, and no one in the path of the cloud was warned to seek shelter. In fact, the movement of Snubber's fallout was not revealed until a congressional hearing in 1978.

It should be understood that the occurrence of a venting, although always classified at the time, has absolutely no impact on national security whatsoever. To announce a venting the instant it happens, allowing people in the cloud's path to protect themselves, would tell our military adversaries nothing of value.

One of the few well-documented ventings took

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Vented gases, debris and radiation rise from the site of Schooner, a 1968 underground nuclear test. The photo was taken eight minutes after Schooner's detonation. Schooner was part of the Ploughshare program, a "peacetime" explosion caused by a bomb buried 200 feet down, and designed to vent. Because tests of military nuclear devices occur under security conditions, no photos are available of their accidental ventings.

place on December 18, 1970. A device called Baneberry (nuclear shots are designated by code names) blew its cover, venting large amounts of radiation into the sky. An official report on the accident states that a dangerously high concentration of iodine 131, a radiation byproduct, was found in the milk of Utah and Nevada cows which had eaten vegetation exposed to Baneberry's fallout. Deer and sheep as far as 400 miles from the test range had abnormal concentrations of iodine in their thyroid glands, and the thyroid of a fetus from one sheep contained five times more iodine than the thyroid of its mother. (Children are more vulnerable to radiation than adults, and the fetus is most vulnerable of all.) The many lawsuits against the government pertaining to the deaths and cancer Baneberry might have caused will continue for years.

One way to keep from being sued over a venting is to avoid having evidence that it happened. Preston Truman, a Salt Lake City environmentalist, thinks the DOE has found an innovative way to arrange this. After three test shots in 1979, the DOE announced that no escaping radiation had been detected. Truman visited monitoring stations in southwest Utah, downwind of the blast site. He found the monitors were not switched on.

Oh, *Those* Ventings

Only in 1978 did the public first learn that ventings were not isolated incidents. At that time, DOE Assistant Secretary Donald Kerr admitted at a hearing that there had been 19 ventings. He listed names and dates. Quick examination of back newspapers showed that at the time of the blasts, DOE reported nothing unusual. Some reports DOE did release at the time were misleading. Others made passing reference to fallout, but reported it as much less than classified records showed that it actually was.

Last year, at a hearing of the House Subcommittee on Oversight and Investigations, General Mahlon Gates, operations manager for the Nevada test site, admitted that the real number of ventings is at least 40. He justified the discrepancy by saying word of some ventings had just been "declassified"—true enough, perhaps, but as noted before, keeping news of a venting secret has no national-security value. Gates says the number 40 may not be correct either, since records of some tests have been inadvertently lost in electronic storage. Gates blandly informed Nevada residents that he

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"couldn't be sure some other tests might not drop out of the computer."

Other information released in Gates's report casts doubt on the reliability of any of his numbers. Gates presented an estimate of the *total* amount of radiation downwind of a test site in the period from 1951 to 1969 which worked out to less than a quarter of the radiation the Public Health Service recorded after a *single blast* on the same site.

Similar official information about underground ventings contains impossible contradictions. In 1978, Kerr testified that a test called Red Hot, which vented on March 5, 1966, produced gamma-ray radiation that was monitored in eastern Iowa. There, Kerr said, trackers lost contact with the gamma cloud as it diffused. But in 1979, another DOE official testifying about Red Hot said it caused "no gamma readings above ground," even at the test site itself. How could the radiation have traveled all the way to Iowa if it never left the ground?

Venting is not always an accident. Sometimes, nuclear planners actually *design* an underground blast to vent. A prime example is the mid-1960s Ploughshare program tests.

Ploughshare was supposed to demonstrate peacetime uses of nuclear warheads. Most Ploughshare blasts were termed "cratering events," not explosions. The nuclear device was buried only about 200 feet down, so that when it exploded, it would dig a wide crater in the earth (and vent its fallout into the sky). It was thought that such explosions might be used to move great quantities of earth in major engineering projects.

One planned Plougshare project was to open a large harbor in Alaska, an idea that actually received a serious hearing despite the damage nuclear fallout would have done to Alaskan wildlife and the local fishing industry. Another plan was to use nuclear bombs to dig the fabled sea-level Panama Canal. The AEC presented data on Ploughshare blasts to the Pacific Interoceanic Canal Study Commission without making any mention of what radiation from nuclear excavation would do to the people living nearby.

Never mind how little sense the Ploughshare idea made. The important thing is that even the results of these "peacetime" tests were covered up. On December 8, 1968, the sixth test in the Ploughshare program, Schooner, was fired. A brief AEC release described Schooner as having 35 kilotons of force (the Hiroshima bomb had 14 kilotons) and producing a crater 200 feet deep by 725 feet in diameter. *The New York Times* reported Schooner's explosion as a routine event.

What the AEC neglected to point out was that Schooner's radiation covered most of the East Coast and traveled up into Canada. A 1971 Environmental Protection Agency report on Schooner showed that its fallout registered on 91 sampling stations west of the Mississippi. It didn't register anywhere east of the Mississippi because the AEC had no monitoring stations east of the river. It claimed none are needed because the fallout never got that far—a clever adaption of the switch-the-monitors-off ploy. But Schooner registered on monitors in Toronto and Montreal, where the government is not so confident of the benign nature of underground testing.

The Underground Economy

Nuclear planners continue to act as if venting doesn't happen. For instance, they ignore the role of weather in fallout movements. In general, the longer fallout stays in the air, the less damage it does. As it floats along, the short-lived "hot" particles decay or "cool," and the cloud spreads out until its concentration is low enough that there's less need to worry. But storms change all this. Rain or snow can bring down radioactive material to contaminate food crops and water, while the most dangerous particles are still "hot" and close together. Common sense would dictate that tests never be detonated when there is a storm in the vicinity, just in case a venting should occur. But common sense does not prevail, as evidenced by tests like Snubber, which was fired with a storm raging scarcely 90 miles distant.

Nuclear policymakers also continue to pretend that what we don't know can't hurt us, and practice routine cover-ups of derogatory information about underground tests. Last year, government depositions in lawsuits involving nuclear tests denied that Washington has any legal responsibility to warn citizens when radiation is released. Government funding of well-known nuclear physicist Robert Pendleton of the University of Utah was cut off in 1974 when he began to uncover evidence of high radiation levels from underground testing. His fallout monitoring system was officially deactivated on the pretext that he "had not been published." At the time Pendleton had 19 volumes on the subject of fallout to his credit.

What seems illogical is often the norm in the nuclear world. Most Nevada and Utah officials, far from fighting to make underground tests safer, seem to want to live in harmony with DOE and the Pentagon. Of course, neither state wants to lose the federal revenues and business expansion bomb-related projects bring in. Neither, likewise, wants to have its tourist industry frightened away. Dr. Charles Mays of the University of Utah notes, for instance, that after

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the Baneberry test vented, skiers vacationing on Utah's slopes were found to have breathed in measurable amounts of fallout. Since a light snow was falling the day of the test—another violation of the principle of testing only in clear weather—any skier who ate snow would have ingested a great deal of radioactive matter, Mays said.

Imagine what would have happened if the common-sense, life-protecting step had been taken, and the Baneberry accident had been revealed as soon as the blast broke the surface. Radio stations would have carried alerts, perhaps air-raid sirens would have sounded, and skiers would have been ordered off the slopes. At best, the skiers would have considered a day of their vacation wasted. More likely, they would have fled the lodges trembling. Do you suppose many of them ever would have come back to Utah to ski? By hushing up Baneberry until years later, the government allowed the skiers' health to be jeopardized, but kept them from knowing it, satisfying all short-term business and military interests at the expense of long-term public health. This is the premise of many disaster movies, like *Jaws* and *The Towering Inferno,* in which government officials deliberately take an insane risk for some trivial, temporary convenience. We like to dismiss such plots as fiction.

Right now, negotiations are under way with the Soviet Union and Britain (all of whose nuclear bombs are tested in the U.S.) for a total test-ban treaty, which would outlaw even underground blasts. Some State Department officials think this would be desirable; many military officials do not. They believe that continued testing of nuclear weapons is necessary for national security.

If underground testing is to continue, it must be made safer in every possible way. Unfortunately, just drilling deeper blast shafts or pouring thicker concrete caps will not do the job. The geology at the Nevada test range (all underground testing is done at the same location) is such that a bomb can't be placed much lower than 2,000 feet down. Placing one deeper down might, for instance, cause contamination of the underground water table.

The best course of action, if it is legally possible, would be to move testing back to the remote islands of the Pacific, where any vented fallout would drift over the uninhabited oceans. The U.S. still owns islands in the Pacific's sparsely populated zones. There would be no need to detonate the bombs above ground, which caused so many problems during the Bikini tests. Even though the volcanic rock strata of the islands is less dense than the metamorphic granite of Nevada, tests in the early 1950s showed that underground blasts there would be no more likely to vent than current tests.

Of course, testing in the islands would be more expensive than the present arrangement. But the "savings" of cheap testing pales when compared to what will have to be spent in years to come, to compensate victims and clean up the environment—if such a clean-up can be accomplished at all.

It's hard to put a dollar figure on what the cost will be, since scientists on all sides of the fence have been unable to agree on just how dangerous fallout is. Some, like Pendleton, make a powerful argument that exposure to even the most minute amounts of radiation causes long-term disease and mutations that do not manifest themselves for decades. Other respected scientists make equally powerful arguments that there is a "threshold" of tolerance to radiation. They say the amounts of fallout released by most underground ventings simply don't affect people. It may be that they are right, and small amounts of radiation really should not cause alarm. (It must be remembered, though, that almost every scientific claim about the "safety" of radiation has been discredited. Remember how "safe" the medical X-ray was thought to be?) But since the debate is unsettled, it seems the height of madness to gamble with the health of future generations. The logical course of action would be to spare no expense protecting society from underground-test fallout unless and until it can be proven harmless.

Responsibility for monitoring fallout from nuclear tests should be taken away from the DOE, which has consistently proven itself incapable of impartiality or honesty, and assigned to some other government agency. After all, since DOE is charged with the development of nuclear weapons and the promotion of nuclear technology, it can hardly pretend to be objective about radiation problems. Similarly, the job of researching the effects of radiation should be removed from the DOE, which now controls 80 percent of Washington's $17 million budget for such work.

Finally, we could breathe a little more easily—or in some cases, breathe at all—if news of underground nuclear accidents were announced instantly and accurately, through some reliable network like the Emergency Broadcast System. This would allow people in the path of radioactive clouds to take the steps necessary to protect themselves. Of course, frequent fallout alarms, urging people not to go outside or eat vegetables from their gardens, will tend to make the American public nervous, upset, and suspicious about nuclear tests. Which it ought to be. ■

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Roxie Munro

Where to Stay in Washington

Five Minutes' Walk from the White House

...and very convenient to practically everything else. Staying in a hotel in this area—bordered by Pennsylvania Avenue, 18th, K and 14th Streets, N.W.—puts you a short walk away from not only the White House but the Treasury and Commerce Departments, the Veterans Administration, OMB, ACTION, and the FDIC. And since none of the hotels is more than two blocks from a Metro subway stop, you are also just a few minutes by subway from most of the other agencies and Capitol Hill, as well as the galleries and museums along the Mall. A lot of history has been made in this area—and still is.

• **The Capital Hilton,** 16th and K Streets, N.W., (202) 393-1000. The Hilton is a big, bustling, convention-type hotel, its lobby filled with shops and airline ticket offices as well as people. With 800 guest rooms and 16 meeting rooms, including a ballroom that seats 1,000, it can accomodate a good-sized meeting and plenty of regular travelers on the side. There are three restaurants—a friendly coffee shop with bearable prices, the more expensive, tastefully decorated **Twigs** (three meals plus afternoon tea) and a **Trader Vic's** on the lower level. Also available, for drinks and evening entertainment, is **The Bar**. Another feature: the Hilton is the downtown terminal for the limousines that go to and from the three area airports.

The rooms are standard-attractive decor, but quite comfortable. Singles are $60-$90; doubles, $80-$110; executive suites (larger rooms with sitting areas and some essential extras, such as shoe buffers and clothes lines) are $120 for up to four people; suites are $175 and up. Additional persons in regular rooms are $20 each. Children under $18 stay free. Indoor parking next door is $4.75 a night.

Because the Hilton caters to a business clientele, its weekends are slow. So they offer several Friday-Saturday night packages to lure you in with prices ranging from $59 per person per night, double occupancy, for two nights, to $88, depending on the extras you want. There is also a "Honeymoon Rainbow" package, priced at $80 per person (traditionally, that works out to $160 total) which gives the happy couple an executive suite, champagne, chocolates and a room-service breakfast both mornings.

The Hay Adams, 16th and H Streets, NW (202) 638-2207, (800) 223-6625. While camping out in Lafayette Park might appeal to a few devoted White House watchers, the Hay Adams is certainly a more luxurious vantage point. Swathed in your complimentary terry cloth robe, you can watch top-level bureaucrats scurry across the park to the West Wing without even picking up your binoculars. This may be what John Hay and Henry Adams had in mind when they built their homes on this site in the late 1800s. Then in 1927 came the hotel, which is now owned by a French couple who are bringing it through the final stages of a complete renovation. They've taken care to preserve the elegant wood-paneled lobby with its carved brass ceiling, Italian mirrors, and chandeliers. The rooms are attractively decorated with imported fabrics and furnishings; some have fireplaces (non-working) and French windows; and all have new Italian-tiled baths with phones. The prices of the 166 rooms and suites vary according to size and view (the H Street side, facing the White House, is of course the most desirable, and most expensive, while the small, rear-view rooms aren't worth it). Singles are $75-$114; doubles, $104-$134; semi-suites (large rooms with sitting areas), $175-$210; suites (bedroom and parlor), $175-$344. Roll-in beds for additional persons in rooms are $19 each; children under 14 are free. Valet parking's $9 a night. For $90 per person, two people can spend the weekend and also get a breakfast, a brunch, and free morning paper. Group rates are available in December, July, and August. **Le Danielle,** the only restaurant, serves continental food with prices to match its elegant surroundings, and there's a piano bar in the **Lafayette Pavilion** in the evening. The three function rooms can accommodate 80 to 250 for small meetings or receptions.

•**The Park Central**, 705 18th Street, N.W., 202-393-4700. If what you need is a decent place to hang your hat at reasonable (at least for this part of Washington) prices, here it is. Formerly an apartment building, the hotel can't accommodate large meetings (its three function rooms hold 25 to 50 people each) and it's off the main thoroughfares, both of which mean quiet.

Of the 205 rooms, 104 are efficiencies or suites with fully equipped kitchens—something enterprising travelers may find useful, since there's no room service. But there are plenty of good restaurants in all

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price and cuisine ranges nearby, plus a variety store next door with a small grocery department. Most of the rooms are recently redecorated, and by summer all the bath and kitchen refurbishment will be completed. Some other accoutrements: laundry facilities in the basement after 5 p.m., the roof open for sunning and view-gazing May 30 to September 30, **Blackie's Jr.** next door, serving lunch and dinner, a travel agent, hairdresser, liquor store on the premises, and then there're the rates. Regular rooms are $41 for a single, $50, for a double. Efficiencies are $43-$45 for a single, $51-$53 for a double. Suites are $52 for singles, $54 for doubles. A third person in the room is $8 additional. Children (maximum of two) under 12 staying with their parents are free. Parking next door is $4.25 a night.

• **The Sheraton Carlton**, 16th and K Streets, N.W., (202) 638-2626, (800) 325-3535. The Carlton shares with the Hay Adams the prestige of being one of Washington's still-thriving 1920s grande dame hotels, and it, too, has just undergone a renovation that took care to retain much of the original decor—the gilt and carved wood embellishments in the marbled lobby, and chandeliers, brass urns, lamps, and fixtures throughout the hotel. A more subdued traditional decor continues in the rooms and suites, and the modern age has not been ignored—each room has digital clock radios, electric shoe buffers, a modern bath with telephone, and there's a paper at the door every morning.

You pay for all this, of course: Singles are $110-$115, doubles, $120-$125, one-bedroom suites, $210-$285, two-bedroom $310 and up. Additional persons, $10 each; children under 18 free. The weekend specials: $65 a night per person for two nights, room only; and a $175 package—two nights, a bottle of champagne, continental breakfast on Saturday and Sunday champagne brunch. Valet parking is $10 a night. Two restaurants, **The Carlton** and the **Palm Court**, serve appropriately expensive meals. Some specialties of the house: dinner, served only in **The Carlton** restaurant, is accompanied by a harpist during the week and a band for dinner-dancing Saturday; there's afternoon tea in the **Palm Court**; and you can taste wine at **The Wine Bar** or have a drink to taped music in **The Polo Club** from 4 to 8 p.m. The hotel doesn't accept conventions, but has five meeting rooms that can accommodate 25 to 250 people. Group rates and discounts are available on weekends and in the summer.

• **The Hotel Washington**, 15th & Pennsylvania N.W., 202-638-5900. While you'll find that the elegant decor from the hotel's maiden years is showing its age, not everything has faded from the marbled lobby walls—especially the memories of FDR, his vice-president John Nance Gardner, former House Speaker John McCormack, and dozens of other political illuminati who have wined and dined and slept there. If you're planning to come here for the inauguration ask for a room facing on 15th Street or Pennsylvania Avenue for the best view of the parade in town.

Right now it is the only hotel in the downtown Pennsylvania Avenue area, which is halfway through an extensive redevelopment and landscaping. It is within convenient walking distance of the many government offices and agencies in the Federal Triangle, and but two blocks from the Washington Monument and the Mall, where the Smithsonian's many facilities are.

The 376 rooms are comfortable if simple; all have completely new baths with phones. It's worth the higher price to request (in advance) a room on the Pennsylvania Avenue side and, if possible, on a top floor, for a view of the city and the memorials. Singles cost $55-$65; doubles $65-$76; family rooms (two adjoining doubles) $71-76; the 16 suites are $150-$235. Additional persons are $10 each; children under 14 stay for free, but there's an $8 charge for rollaway beds.

Downstairs there's a coffee shop for the eat-and-run set, and the **Two Continents** restaurant. From mid-May to mid-October, in the evening the restaurant moves to the top floor and becomes the **Rooftop Terrace**, where, over drinks or dinner, you can take in a splendid view.

The hotel can accommodate medium-sized meetings in its 600-capacity ballroom and ten other function rooms. Groups of 50 or more staying in the hotel can use the meeting rooms free. On weekends, there's a 25-percent discount for all guest rooms. Tours and groups get special rates on holidays and anytime in July and August as well. Indoor parking across Pennsylvania Avenue is $6.50 for 24 hours.

Worried about fires in hotels? We can't imagine why. Neither, apparently, can the District of Columbia Fire Marshal's office, which was less than helpful in providing us with information on the status of fire prevention in Washington hotels. Most of the hotels we contacted were reluctant to discuss the subject too, except to say that they were in compliance with local codes.

Local codes are less strict than what some Nevada officials told Ron Shaffer and Donnel Nunes of *The Washington Post* they feel are necessary to prevent fires like that in the MGM Grand Hotel. The District requires sprinklers in underground areas only, not throughout the hotel, and doesn't even require an automatic alarm system. By June 20, however, hotels must install smoke detectors in each room. The Fire Department has proposed a tougher code, but so far, it's just a proposal.

There is one factor you might consider comforting. Because the District has the nation's toughest cornice law (no building may be higher than the Capitol dome), all floors of most hotels can be reached by ladders from the street.

—Carol Trueblood, Andrea Mack, and Stacy Palmer

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Inside a U.S. Attorney's Office

Why Some Crimes Get Ignored

by Michol O'Connor

Every morning at 7:15 you can find me on a streetcorner in Houston, Texas, waiting for a bus with 40¢ in one hand, and a $4,000 briefcase in the other. The forty cents is mine. The briefcase is a bonus from Uncle Sam.

Let me try to explain. I work for the government. I am, more precisely, an Assistant U.S. Attorney, in the criminal section of the U.S. Attorney's office in Houston. My function is simple: I present criminal cases to a grand jury, and if I get an indictment, I try the case. For this work I am paid quite reasonably—though not reasonably enough to allow me to blow four grand on a briefcase. I got the briefcase....well, to understand how I got the briefcase, you first have to understand a bit about how a U.S. Attorney's office works.

A U.S. Attorney's office is like a law firm with a single set of clients: the various agencies of the United States government. These client-agencies bring us the cases, and we take it from there. Our most obvious clients are those agencies, like the FBI, Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco & Firearms, that are charged with investigating what we ordinarily think of as federal crimes: bank robberies, civil rights violations, dope-smuggling, gun-running.

But these agencies are not our only clients. Periodically, Congress has been moved to impose what it likes to call "stiff criminal penalties" for activities that fall within the regulatory bailiwicks of a number of other government departments, like Agriculture or Interior. These agencies have their own investigators, and when they come up with what they think is a criminal violation, they take it to a U.S. Attorney.

From the agencies' point of view, however, the U.S. Attorney's office is not just a law firm—it's the *only* law firm. In order to bring a criminal case to trial, a federal agency must find a lawyer in the U.S. Attorney's office willing to take it on. Otherwise, no case. The problem, from the agencies' viewpoint, is simply that like all prosecutors, U.S. Attorneys have more cases than they can handle. So they exercise "prosecutorial discretion" and decline some of the cases brought to them.

I would like to say that, in deciding which agencies' cases to take, government prosecutors dispassionately follow a definitive set of standards and guidelines. That is probably what Congress thought when it provided all those "stiff criminal penalties." That, however, is not what happens. We assistant U.S. Attorneys tend to be hard-working, ambitious sorts, but we are only human. And within the typical U.S. Attorney's office there are, how should I put it, favored and, uh, *un*favored client-agencies. Alcohol, Tobacco & Firearms, for example, is a favored client. The gun-running cases they bring in have a certain appeal that makes them easy to try—all jurors understand the menace of motorcycle gangsters who deal in sawed-off shotguns. Similar hard-core crimes, usually involving guns and drugs, make up the bulk of our caseload. It doesn't hurt that these are the types of prosecutions that attract public and press attention, offering an up-and-coming government lawyer the chance for some recognition to go with his long hours. I don't imagine the FBI had a problem getting assistant U.S. Attorneys to take the Abscam or Brilab cases.

The unfavored agencies are those that investi-

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gate regulatory infractions less likely to hold the attention of a judge, a jury, a reporter, or even your mother. The Department of Agriculture is one of those agencies. When an agent from Agriculture calls the U.S. Attorney's office in search of an Assistant, he tends to get put on interminable hold. If he gives up on the telephone and makes a trip to our office, he gets the same treatment, as the receptionist buzzes the secretaries, who in turn try to locate a lawyer who isn't suddenly tied up in conference or rushing out to an almost-forgotten appointment. "Do you have time to see someone from Agriculture," they ask. The answer is always no. Almost.

Cracking The Case

Two years ago, when I first started with the U.S. Attorney's office, I had not been told about an Assistant's discretion in accepting and rejecting cases. The receptionist called. An agent from Agriculture was on the phone. Naively, I picked up and listened. He made a good presentation. I unearthed the file he was talking about—a thick set of documents that had been passed down to me by a superior—and I asked him to come in and discuss the case.

The case was about eggs. Restricted eggs. The Agriculture agent sat across from me and told me hair-raising stories about the sale and transportation of these eggs—basically, eggs that are cracked and dirty, in violation of USDA standards. He told me about clandestine night sales of restricted eggs, about restricted eggs transported across county and even state lines, about surveillance of egg transporters, and stops and searches of their cargo. I was amazed—if you had substituted the word heroin for eggs, he could have been Popeye Doyle. An agent with this much passion deserves some attention, I decided.

So I took the case. Plunged into it, I confess. I read all the rules and regulations regarding the packing and transportation of eggs; I plowed through the egg-grading manuals. I even traveled to Sealy, Texas, to visit an egg-packing plant.

It was when I put in for travel to Sealy that I was first told that I had the authority to turn the case down, as the chief of the criminal division took me aside and explained about "important" and "unimportant" cases. It seemed that Agriculture originally had sent the thick file over to him—but while he was loath to decline prosecution on a case without reading the entire file, he was even more reluctant to read a thick file on eggs. So he had routed it to me, expecting me to review it and decline prosecution. If Agriculture had sent him a thinner file, he would have read it and rejected it on the spot.

But if my chief was startled by my decision, the Department of Agriculture was ecstatic. I got calls from USDA's regional attorney, then its district lawyer, and finally from the lawyer most interested in the case, an attorney who manned the egg desk back in Washington.

Imagine, if you will, a Washington, D.C. cocktail party. Everyone stands around and asks each other where they work, what they do. And imagine this lawyer, for years, standing around and telling people that he works for "Agriculture.... on eggs." Worse, imagine that every working day he must deal with incredulous assistant U.S. Attorneys—when he can get through to them—who barely suppress their contempt as they reject his attempts to bring his investigations to fruition. ("You mean you want me to take an *egg* case before a federal judge?")

Then I came along, and I seemed actually interested in eggs. I even called him up at one point late in the case and told him sincerely that I didn't think the American public was aware of the menace of restricted eggs. I suggested that he contact his department's public affairs section and ask them to work up a campaign like they had for screw worms. I told him my car still bore the remnants of a USDA bumper sticker, given to me by a friend, reading "1977—Year of the Screw Worm." This was too much for him, I could tell. He became suspicious of my enthusiasm, saying that he had not heard of the screw worm promotion.

The egg case ended prematurely, I thought. The accused egg-smuggler appeared for arraignment contrite and with a lawyer. He pleaded guilty, and was given a small fine and a probated sentence. Agriculture never instituted the egg p.r. campaign, although they did send me a shirt from the American Egg Institute, egg-yolk yellow with a picture of an egg and the word "Incredible" written across it.

Still, looking back, I'm happy I took the egg case. If I hadn't, it turned out, I'd never have gotten that briefcase....

The Careless Caterer

You see, word got around Agriculture, and they sent their next hot case directly to me. This case involved garbage. International garbage. International garbage is what is left over from the food trays of international flights. Besides containing an incredible amount of starch, it may be contaminated with diseases that are harmless to humans but dangerous to animals. If the garbage isn't sterilized or incinerated, but is instead simply dumped in a local garbage heap,

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it is possible that these diseases could spread to livestock via scavenging animals. I was told that this is how African swine fever had hopscotched across continents, from Africa to Europe, thence to South America.

I was interested, and filed a case against one of the largest caterers in the United States, a company responsible for restocking outgoing international flights and for disposing of the food left over from incoming flights. The lawyer from this corporation called when he got the notice of the suit, and laughed a little until I told him about African swine fever hopscotching its way into the United States, or about the damage fruit flies could cause to our agricultural crop if a half-eaten apple happened to be carrying fruit-fly larvae.

We set up a meeting, and a vice president flew in from somewhere. He told me how much his corporation wanted to help, but explained that the employees who handled the garbage were transients and could not be trained to take all the necessary steps. I told him to either get better people or design a system that was employee-proof. I even proposed a plan I had thought up, involving symbols to identify domestic and international garbage containers, separate facilities for handling each kind of garbage, a training film for new employees. Too expensive, he said, his company couldn't afford it. I shrugged and told him to read the regulations: if his firm was caught dumping international garbage once more, Agriculture could shut down the firm's entire Houston operation. Not without a hearing, he said. Well, yes, I replied, read the regulations. "They have to give you a hearing within 14 days of closing your facilities." He went pale.

Two weeks later a bound folder appeared on my desk, describing all the changes I had suggested. The caterer had gone even further and instituted the system in all its United States facilities. It was then I decided I liked the cases from the unfavored agencies. Maybe they weren't as riveting as a bank robbery. But the results seemed a lot more satisfying. The problem had been solved.

Alligator and Steel

Which is why, last fall, I listened intently as two Fish & Wildlife agents sat in my office and told me about their problem. The problem was ducks. Dead ducks. It seems that, every year, duck hunters were getting all the appropriate permits—but, once in the field, they were regularly killing more than their quota of ducks. Within the last four years alone, they had shot such a massive number of ducks that duck ranks have noticeably thinned. Overkilling is illegal, of course. The catch was that, when caught in the act, the hunters merely paid the $50 fine on the spot. Since most of the hunters were rich doctors and lawyers, they probably wrote it off as one of the minor expenses involved in hunting. They spent more on shotgun oil and electric kidney warmers.

At the request of the F & W agents, I looked at the regulations and realized there was no way to increase the amount of the fine. But I could change the procedure: No more fines in the field. Anyone caught shooting over his limit would be issued a summons, and would then have to come to the local federal building, in person, and explain his overkill to a federal magistrate. The embarrassment of standing in court with other criminals, and the loss of billable hours involved in paying the fine—now that might hurt. We publicized Fish & Wildlife's new policy, and there was a noticeable decrease in the tickets issued in the last few weeks of the hunting season.

And *that*, finally, was how I got my briefcase. The Fish & Wildlife agents were so surprised and pleased to get the time and attention of a government prosecutor that they thought of me, a few months later, when they seized the briefcase as someone tried to smuggle it into the country. It had to be smuggled because it is made from Nile alligators, an endangered species. But, because it was made from an endangered species, the F & W agents were prohibited by law from destroying or selling it after they had seized it. They could either store it in a large warehouse in Albuquerque until it disintegrated, or put it to a "legitimate government use." Since it is a legitimate government use for a briefcase to be used by a legitimate government lawyer, F & W called me up. They even issued me the appropriate permit for it—I suppose in case some cop stops me on the street and asks, "Got a permit for that briefcase, ma'am?"

It is, in fact, a hell of a briefcase. A current rule of thumb among fashionable lawyers is that the darker and finer the leather, the better. Well, this slim piece has four Gs' worth of delicate, shiny black Nile alligator, set off by tasteful stainless steel hardware—cast, of course, not plate. Its interior (a key status-factor among the more discerning) is of the softest grey suede. The only bad thing about the briefcase is that I don't own it—when I leave the U.S. Attorney's office, I must return it to the Fish & Wildlife Service, so they can bestow it on another assistant U.S. Attorney who is willing to take on their cases.

Assistants here are already beginning to answer the phones when the unfavored agencies call. ■

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James Fallows on Political Books

For the last few months, I have spent much of my time among military men. These have included "defense intellectuals" and soldiers in the field; as a group, I have found the soldiers far more impressive. The intellectuals talk breathlessly about "windows of opportunity" and "power projection." The soldiers, especially the officers commanding troops, are sober and restrained. They are concerned about training and leading their men. They do not talk about "taking out Moscow," as do nuclear strategists, nor about demonstrating American "will" in the Arabian sands. Unlike the analysts and the bellicose columnists, they would be on the scene, in the sand; they worry about how their men and tanks and helicopters would hold up.

What has been most remarkable about a number of the officers is their self-awareness about their profession. Through most of the years since Vietnam, the career military has joined the list of American institutions whose basic competence and integrity are no longer taken for granted. Automakers, congressmen, lawyers, journalists are in the same position, but most of them greet criticism with elaborate justifications of their every act. I have met a surprising number of officers who are not that way at all—who have tried to explain to themselves what is wrong at the core of their values, and what can be done about it. They talk and write books and pour out articles about the "ethical" crisis in military leadership; about redefining the proper ingredients of a "soldier"; about a system of military education better suited to turning out junior executives than leaders equipped for strategy or combat; about the don't-make-waves ethic of promotion that rewards the Alexander Haigs of the world, politicians who get ahead by pleasing their masters and keeping their noses clean.

Although many officers like the ones I have met will take this book by "Cincinnatus"* as a slam at their profession, it seems to spring from the same self-critical impulse that motivates the best of the military. The author, a "senior field grade officer" now serving at the Pentagon, is out to tell his comrades what Vietnam revealed about the corruption of their values.

James Fallows is Washington editor of the Atlantic *and a contributing editor of* The Washington Monthly. *His book about national defense will be published by Random House in the spring.*

**Self-Destruction: The Disintegration and Decay of the United States Army During the Vietnam Era*, by "Cincinnatus," Norton, $15.95.

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This is one of those books that reawakens all the emotions of the war years. Its power arises from two rich sources of documentation. One is an internal army report, called the "Study on Military Professionalism," that was conducted by the Army War College in 1970 in reaction to the My Lai massacre. The study has been declassified for some time, but, to the best of my knowledge, this is the first time its results have been discussed in the general press. The other source is the author's own, obviously extensive, discussions with fellow officers who served in Vietnam. From both, "Cincinnatus" provides astringent quotations about what went wrong in the war.

His general point is that the army's own predilections made the war unwinnable: its refusal to learn from history, its preference for ponderous attrition tactics against a mobile foe, its shameful rotation policies that moved officers in and out of units on a six-month basis so that everyone would have a chance to "punch his ticket" and advance, even if it destroyed cohesion and command. He is especially harsh about the form of institutionalized lying known as the body count:

"It has always been natural for one side in an armed conflict to estimate the number of casualties it has inflicted upon the other side. Not until Vietnam, however, did 'estimated enemy casualties' become an all-encompassing obsession of the army. The feverish pursuit of this talisman actually led to increased American losses, brought dishonor upon those who espoused the practice, and generally lessened the stature of the army within American opinion."

As a work of documentation and polemic, the book must be admired. But it left me with several concerns. One is that it seems somehow unfair not to mention the changes at least some officers have made. I also find myself bothered by the author's anonymity. One of his points is that officers are afraid of putting their careers in jeopardy, and won't speak up or resign. What about him? He says, in the introduction, that he conceives of his pseudonym as the equivalent of the clergy's black clothes, which "obscure as much as possible of themselves in order to allow their listeners to concentrate...on what is being said rather than upon who is saying it." Given his arguments about honor and responsibility, that's too easy an out.

Finally, the case seems to have lost the sense of proportion in making the army bear nearly all the responsibility for national failure in Vietnam. What about the politicians who got us there in the first place? What about the combination of timid vacillation by congressmen, self-deception by strategists, deception of the public by presidents, I'm-all-right-Jack indifference by much of the public, and extremism by some who defended and some who opposed the war—all of which kept the nation in Vietnam three or four years after any semblance of national assent to the effort had vanished? In its exaggeration, the book may be extremely (and unintentionally) enlightening about one of the damaging residua of the war. As the fact of failure is absorbed, it has created, in a number of groups, the apparently contradictory feelings of victimization and guilt. It's the other guy's fault—but somehow I'm still to blame. Some officers argue bitterly that they were betrayed by politicians; others (like Cincinnatus) argue with equal passion that the army leadership betrayed itself. The parallels elsewhere—among foot soldiers; those who opposed the war; the parents of the soldiers and the protestors; the smooth, competent technicians who stage-managed the war—are easily imagined. The war had this in common with a rape: it made its victims, in all these groups, feel simultaneously outraged and ashamed.

I suspect that the most likely public reaction to this book will be that it's one more reason not to like the Vietnam war. It is that, but its true significance is that it identifies the fundamental problems of the military today. The ticket-punching is still there; plus the indifference to military history, the bureaucratic rivalry among the services (remember the Desert One mission, in which the army, navy, air force, and marines all managed to be part of the show?), and the education and promotion systems that subtly discourage the leader who sacrifices to win the loyalty of his troops. Still, by their very existence, books like this say better things about the military than most other American professional cultures can claim. The automakers, the congressmen, the lawyers, and the journalists need Cincinnatuses of their own. ■

"IN AN ADMITTEDLY unscientific sampling of popular opinion, *Paris-Match* correspondents discovered that only 3 per cent of Poles would vote for Communism in a free election. Either Communism has to go, or 3 per cent is a Polish mandate."

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Public affairs books to be published in January.

political book notes

An Ambassador's Wife in Iran. *Cynthia Helms. Dodd, Mead, $12.95.* The publisher's blurb describes this book as "A story of assassination only a shadow away, of women struggling for their rights in a country dominated by religion...." Needless to say, it's no such thing. What it is, is the quintessential product of the old-style foreign service spouse. Maybe I'm a little sensitive about this subject, being a foreign service spouse myself these days, but this book is simply bursting at the seams with examples, all unintentional, of what's wrong with our diplomatic corps.

Cynthia Helms lived in Iran, as the wife of the American ambassador, Richard Helms, for four years prior to the Shah's fall. She led, as ambassadors' wives tend to lead, a relentlessly upbeat life. If she is not redecorating the ambassador's residence, then she's taking classes on Persian history, or hosting one of the diplomatic circuit's inevitable dinner parties. She likes the pace of this life—and why not? It's invigorating; it's fun; it's seductive.

Unfortunately, the Cynthia Helmses of the world have no sense of how seduced they've become. To take the most obvious example, the Helmses, during their stay in Tehran, came to know most of the Iranian elite. (Who, after all, was coming to their dinner parties?) Helms makes it explicitly clear that she and her husband weren't just acquainted with the Shah and his wife—they *really knew him.* They had been taken into his confidence, seen Iran through his eyes. So naturally they empathized with him. Thus, Mrs. Helms writes:

"As the caviar was served, I asked the Shah if it was true that he didn't like it. He had never been seen eating it. He told me he liked it very much, but that he was allergic to all fish. As I listened to him, I thought that if he only had become more personally popular with his people, Savak would not have cast such a shadow on the land."

You get that connection, don't you?

The book is full of instructive details like that. Mrs. Helms writes that she and her husband read *The London Times* and *International Herald Tribune* each day, but not any local Iranian dailies. She has praise for the Shah's education, his fluency in French and English, and his quest to modernize Iranian life (particularly the lives of Iranian women), but it seems never to have occurred to her that there were plenty of Iranians—and not just those nasty mullahs—who didn't want what the Shah had in mind.

Mrs. Helms begins one chapter with the eternally valid observation, "An ambassador needs to stay informed about his host country." She adds, "Dick encouraged me to travel throughout the country... to meet Iranians.... often the only way we could be sure of news from Iran's many remote provinces was to take a trip ourselves." One begins to think that here, finally, Mrs. Helms understands something important: foreign service people must get out into the country to find out how life is really being lived, and what ordinary people really think. This hope is dashed at the next paragraph; it turns out that when she is talking about traveling in the country, what she really means is going on a dig with an eminent archeologist. An American archeologist, at that. The rest of her chapter about "staying informed" is her breathless account of the dig.

What comes through most in this book is the picture of a woman who thinks she knows a lot about Iran, but really doesn't. Huge gobs of the book are spent on Persian history and culture, for example, but those sections have a show-offy, superficial quality. They come more from the textbooks Mrs. Helms used in class than any real depth of understanding. Again and again, she points out the silly faux pas of less "knowledgeable" people—Henry Kissinger, for example, compared the Shah to Alexander the Great (Oh, Henry, how gauche!).

Mrs. Helms describes seeing the Shah's wife receive a degree at Georgetown: "The dignitaries found innumerable ways to articulate the word *Shahbanu*, some of which defy description. One official, in gown and cap, outdid all the others with what sounded like the *Shahbanger*. (The correct pronunciation is sha-ba-noo.) I wished they had been coached in advance or advised to use the word Empress."

Continued

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That is the image we're left with of Cynthia Helms's Iran: a place where they know about Alexander the Great, and how to pronounce Shahbanu, and why the Shah can't eat caviar. The only thing missing is the real world.

—*Joseph Nocera*

All You Need To Know About the IRS: A Taxpayer's Guide, 1981 Edition. *Paul N. Strassets, Robert Wood. Random House, $11.95.*

America's Energy. *Robert Engler, ed. Pantheon, $17.95.* Reading this anthology—a collection of energy articles from *The Nation*, dating back to 1919—you're struck by one thing: how often they were wrong. Some of the articles are brilliantly prescient, but others are way off base on matters where the facts now seem obvious. So you wonder—how much of the magazine's current crop of articles can be believed?

Not all. *The Nation* has a weakness for cast-of-thousands conspiracy theories and miracle 30-second energy solutions, like burning kelp in your fireplace. Yet on one vital point, *The Nation*'s writers—especially Fred J. Cook and Robert Sherrill—have been lonely voices of reason. Namely, they've been saying all along that the "energy crisis" is the corporate scam of the century. When the next *Nation* anthology comes out in another 100 years, people will look back and know how right they were about that.

—*Gregg Easterbrook*

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America Through the Eye of My Needle. *Josephine Alexander. Dial, $9.95.*

The Atom Bomb Besieged: Extraparliamentary Dissent in France and Germany. *Dorothy Nelkin and Michael Pollak. MIT, $17.50.*

Black Representation and Urban Policy. *Albert K. Karnig, Susan Welch. Univ. of Chicago, $20.*

Best Evidence: Disguise and Deception in the Assassination of John F. Kennedy. *David S. Lifton. Macmillan, $15.95.*

The Cambodia File. *Jack Anderson, Bill Pronzini. Doubleday, $13.95.* Syndicated columnist Jack Anderson was not satisfied that his May, 1978 columns recapitulating the mass murder and physical destruction of the Cambodian nation by the communist Khmer Rouge had conveyed the enormity of the tragedy, or the degree of blame to be placed on the American government. So he had a novel written about it.

The fictionalization manages to trivialize the horror of the situation to the level of an ordinary mystery. Stereotype characters—the boozing Hemingway-esque journalist, the CIA-State Department operative who ends up questioning his country's role, his beautiful and mysterious Cambodian mistress, and the dedicated Jewish social worker—are suitable for a serialized soap opera.

The attribution of malice and neglect to the U.S. government is overly simplistic; Sihanouk and Pol Pot were neither invented by Nixon and Kissinger, nor as susceptible to manipulation as the book implies.

The story does get told, however, and raises (without answering) the larger question of why men slaughter each other. Hitler wanted to purify the white race; Pol Pot wanted to purify the Khmer nation. Both went to grotesque lengths to gain political power; so far, only one has gotten his just reward.

—*Pat Martin*

The Company That Bought the Boardwalk: A Reporter's Story of How Resorts International Came to Atlantic City. *Gigi Mahon. Random House, $10.95.* Is Resorts International, the gambling consortium, really an underworld operation? *Barron's* reporter Gigi Mahon tries to prove it. The book starts slowly, and you may be tempted to junk it in favor of a Kojak rerun. (The first 50 pages are soap-opera stuff in which Mahon congratulates herself for her "sleuthing," which seems to have consisted mainly of checking the clip file and calling for an appointment with Resorts' CEO.) But don't give up, because it gets good. In the end, you are convinced that Resorts is so sleazy, Ozzie Myers should be its PR director.

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Mahon deserves credit, but just how much is hard to tell. Many reporters have written extensively on Resorts, and Mahon makes no attempt to differentiate between what she uncovered, and what she cribbed from others. The troubling thing is that even though you believe her (since the subject is gambling, you know in your heart Resorts must be guilty of something) the stone-cold, courtroom-class evidence isn't there. Mahon shows Resorts' officials to be creepy, its methods shoddy, and its expense account a guaranteed-employment plan for hookers. These days, though, that could apply to anybody but the Missouri Synod.

Mahon wants to nail them so badly that she lowers herself to: "A librarian from Atlantic City said there were an awful lot of charges that Resorts International was too close to the legislators writing the casino laws." So at first, you're tempted to conclude that the flaws in the book demonstrate the limits of investigative reporting. They don't. Given what Mahon can all-but-legally prove, they demonstrate how easy it is for crooks to stay respectable.

—*G.E.*

Crime and Justice: An Annual Review of Research, Vol. 2. *Norval Morris, Michael Tonrig, eds. Univ. of Chicago, $19.50.*

Economic Liberties and the Constitution. *Bernard H. Siegan. Univ. of Chicago, $19.95.*

"Gizelle, Save the Children." *Gizelle Hersh, Peggy Mann. Everest, $12.95.*

How to Register a Copyright and Protect Your Creative Work. *Robert B. Chickering, Susan Hartman. Scribner's, $12.95.*

Ike's Spies: Eisenhower and the Espionage Establishment. *Stephen A. Ambrose, with Richard H. Immerman. Doubleday, $14.95.* It's not hard to imagine what the folks at Doubleday were hoping when Ambrose proposed this book. Scandal! Assassinations! Fatherly former president seen with mysterious blonde in Algiers cafe! What they got is a little more prosaic, but a good book nonetheless. Ambrose shows that Ike was workmanlike and perceptive in gathering intelligence and passing "disinformation" to the enemy. Ambrose is right in giving Ike credit where deserved, but wrong in sanitizing his failures. The CIA's overthrow of Arbenz in Guatemala comes out sounding like a heroic blow for democracy. In fact it was a clumsy attempt to protect the assets of the United Fruit Company, and it hurt our image in Latin America deeply.

John Marshall, Defender of the Constitution. *Francis N. Stites. Little, Brown, $11.95.*

Louis D. Brandeis and the Progressive Tradition. *Melvin D. Urofsky. Little, Brown, $11.95.*

Memorandum for the President: A Strategic Approach to Domestic Affairs in the 1980s. *Ben W. Heineman, Jr., Curt Hessler. Random House, $17.95.* If you've never taken one of those how-to-be-successful self-help courses, I will now save you the tuition by revealing the entire contents of every one of them: 1) Have a Positive Mental Attitude; 2) Set Goals.

This is a self-help book for presidents, with roughly the same message, particularly the part about Goals. The "strategic presidency" that Heineman and Hessler propose would involve dividing domestic issues into the five or ten on which the president would personally concentrate, a couple dozen more on which he would work in conjunction with Cabinet members, and the rest, which can be left to the assistant secretaries. Clearly we have left the decade of the Imperial Presidency far behind; this is an attempt to preserve some scrap of influence and authority for the poor guy.

The authors were hot young domestic policy professionals in the Carter administration, impeccably credentialed and impressively knowledgeable about all aspects of domestic policy. As a *tour d'horizon* of government, their book is quite valuable. It's even pretty readable, although the authors, alas, would never stoop to the you-were-there school of government-service reminiscence. (You begin to long for a sentence like "Joe Califano slammed his fist on the

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desk, his face contorted into a twisted mask of rage"). And although it's clear that as rational advisers they're right about Washington's depressing lack of shakeup-ability, you also end up longing for someone a little irrational to come on the scene and prove them wrong.

—*Nicholas Lemann*

Mourning Glory: The Making of a Marine. *David J. Regan. Devin-Adair, $9.95.*

Personal Impressions. *Isaiah Berlin. Viking, $13.95.*

The Politics of International Air Transport. *Betsy Gidwitz. Lexington, $23.95.*

Public-Sector Bargaining. *Myron Lieberman. Lexington, $19.95.*

Self-Destruction: The Disintegration and Decay of the United States Army During the Vietnam Era. *Cincinnatus. Norton, $15.95.* See James Fallows's review on page 55.

Tampering With the Machinery: Roots of Economic and Political Malaise. *Lester O'Shea. McGraw-Hill, $11.95.* An upper-crust, well-educated, articulate Archie Bunker whines about the deterioration in the quality of life. Make that the quality of *his* life, since he lets you know, early on, that his life is much more important than yours. How hard it must be to put up with money-grubbing domestics, incompetent waiters, rude cabbies, public schools full of welfare brats, crime-infested theater districts, and overcrowded resorts—all the while knowing the federal government (supported by whatever taxes you can't dodge) is to blame.

I'm not being sarcastic, merely borrowing O'Shea's tone, which is unrelentingly nasty and intolerant. Fuel stamps? No, poor people should wear more clothes in winter. Maybe they could get the clothes by beating up and robbing welfare recipients since, after all, welfare recipients are just "on the whole, a bunch of shiftless, characterless misfits."

O'Shea makes an impressive series of complaints about government waste, inefficiency, and regulatory overkill. But his lack of humanity—the nicest thing he calls the poor is "an underclass of idle and discontented persons"—ruins his persuasiveness. When it comes to recommending a remedy, he faces the challenge head-on: "Each person should be taught to work hard, study hard, see what those who are well-off do, and learn from them." Why oh *why* didn't we think of that before?

—*P.M.*

Taxing and Spending Policy. *Warren J. Samuels, ed. Lexington, $19.95.*

Three Mile Island. *Mark Stephens. Random House, $11.95.*

Tokyo and Washington. *Frederick L. Shiels. Lexington, $20.00.*

Top Secret Ultra. *Peter Calvocoressi. Pantheon, $9.95.* One of the great triumphs of World War II was the breaking of Germany's "Enigma" code by British intelligence. The basic nature of the Enigma project was first revealed a few years ago. In this book a former officer of the Enigma team, called "Top Secret Ultra," explains the specifics of how the cyphers were penetrated and used.

Even more intriguing than the story itself, perhaps, is that it's been so long in the telling. Despite the fact that several hundred—perhaps several thousand—people no longer connected with British intelligence knew about Ultra, for more than 30 years the very existence of the project was kept secret. Maybe it's just a coincidence that only a few Americans were in on Ultra, but a comparison between us and them is inescapable. When we cracked the Japanese naval codes, the news leaked almost immediately, and *The Chicago Tribune* published it *during* the war. (Just our luck that the Imperial High Command didn't subscribe to a clipping service.)

Calvocoressi notes that the Ultra team consisted mostly of middle-to-upper-class, publicly (read privately) educated chaps who shared "the same assumptions about life and values." One of those values is that one does not blab for blabbing's sake. Yet even given the traditional British reticence, it's difficult for Americans to see why anyone would bother keeping a secret for so long after the war was over. This points to another British "assumption about life." We've viewed our two trips across the Atlantic to subdue the Germans as unfortunate incidents, best quickly forgotten. The British have longer memories; they saw little reason to tell the Germans how they did something they might have to do again the next time around.

—*Frank Bowman*

"Watch Out for the Foreign Guests!": China Encounters the West. *Orville Schell. Pantheon, $8.95.* The subtitle is something of a misnomer, since this is really a book about Orville Schell encountering a rapidly changing China. He worries that a country with such a long history of exploitation by the West seems determined to remember nothing from the past as it embarks on de-Maofication. This is a legitimate concern, but Schell leaves the impression that he was more comfortable visiting China a few years ago, when the ground rules were crystal-clear.

"Whatever the impractical and oppressive aspects of Mao's isolationism, he did unsparingly stress the need for China to be independent and self-reliant," Schell writes approvingly, contrasting Mao with today's Chinese leaders, who claim that they can tame the tiger of Western technology without winding up inside. But it is not all that hard to understand why the Chinese ultimately got sick of Mao's brand of down-East puritanism, and why they've become so enthusiastic about the alternative.

This is a book well worth reading, especially for its anecdotal reporting of Schell's conversations with

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assorted citizens—he speaks fluent Chinese, giving him an edge over most journalists—but his compulsive hand-wringing ultimately becomes a considerable annoyance.

—*Thomas N. Bethell*

The Whole Truth: The Watergate Conspiracy. *Sam J. Ervin, Jr. Random House, $15.* A competent account of Watergate that tends to support our early impressions of its author as the impressive chairman of the Senate hearings more than our later view of the old fool on the American Express commercial.

Why Vietnam?: Prelude to America's Albatross. *Archimedes L.A. Patti. Univ. of California, $19.95.* A personal account of the earliest U.S. involvement in Indochina, by the OSS Secret Intelligence Operations chief there in the 1940s. The machinations of the greedy nationalist Chinese, the colonialist British and the racist French, together with their effect on U.S. relations with the Viet Minh during and immediately after the Pacific War against Japan are expertly documented. Patti draws particularly on his relationship with Ho Chi Minh (who did intelligence work for the allies).

If only, Patti says, Ho had been recognized by the U.S. as an ardent nationalist with broad popular support—and a desperate desire for U.S. backing—things might have been different. Instead, he was labeled a "Commie" threat to our French ally and to stability (that is, trade) in southeast Asia. FDR stuck by anti-colonialism, but Truman, Acheson and Eisenhower were concerned with "containment." The rest of the story is more familiar.

—*P.M.*

Working Lives: The "Southern Exposure" History of Labor in the South. *Marc C. Miller, ed. Pantheon, $17.95.* I keep running into Washingtonians who are blandly unconcerned about what the Reaganites might do to the labor movement. They figure it won't hurt the unions to get shoved around for awhile. There's a charming innocence to this argument—especially since Reagan has already demonstrated, by cozying up to the Teamsters, that the shoving will be highly selective. But the argument overlooks an important point: that the labor *movement* and labor *leadership* are not one and the same.

This book comes along at the right time to fill that void, and should be required reading in Washington. A collection of reporting, oral history, essays and photographs from *Southern Exposure* magazine, it occasionally suffers from predictable gumbeating over the dignity of bluecollardom, but these lapses, happily, are rare. What the book does best is to remind us that all over the South—just like all over everywhere else—there are people of every race and political persuasion struggling not only to make a living but to form a more perfect union. Unlike so many Washingtonians, they haven't gotten the word that the game is over. More power to them.

—*T.N.B.*

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Photojournalism: Patrick Bernet, Prentice Cole, W. R. Everly III, E. W. Faircloth, Norman Y. Lono, Denis F. O'Keefe, "A City Apart," **Philadelphia Daily News.**
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"By giving Gulf products a hard time on the road simulator, we know they'll give your car reliable protection on the road."

They're all standard cars with their driving wheels resting on aluminum rollers. By programming the rollers, Debbie can take a pair of cars on a simulated trip across the Rockies, and keep two others perpetually shuttling through rush-hour traffic.

In her control room, Debbie keeps track of road speed, oil and water temperature, engine vacuum, and other vital functions.

At the end of 50,000 miles, the cars are removed to a laboratory, where engine parts are measured for wear, and the crankcase lubricant is analyzed to find out, for instance, if a new lube oil additive is performing up to Gulf standards.

To do her job right, Debbie has had to learn to work with complex recording instruments, interpreting oscilloscope traces to make sure that the instruments are hooked up right and the test is running according to plan.

Debbie loves cars, loves her work — and the information she gathers from her 300,000 miles a year is helping keep a lot of Gulf customers' cars running economically.

Debbie Treshok. One of 57,000 Gulf people, helping supply energy for tomorrow.

Gulf

Gulf people: energy for tomorrow.

Gulf Oil Corporation

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